

Saint Louis University Public Law Review

Volume 19
Number 2 *Representing the Poor and
Homeless: Innovations in Advocacy (Volume
XIX, No. 2)*

Article 6

2000

"The Possibility of a Beloved Place": Residents and Placemaking in Public Housing Communities

Susan Bennett

American University, Washington College of Law, sbennet@wcl.american.edu

Follow this and additional works at: <https://scholarship.law.slu.edu/plr>



Part of the [Law Commons](#)

Recommended Citation

Bennett, Susan (2000) "'The Possibility of a Beloved Place": Residents and Placemaking in Public Housing Communities," *Saint Louis University Public Law Review*. Vol. 19 : No. 2 , Article 6.

Available at: <https://scholarship.law.slu.edu/plr/vol19/iss2/6>

This Article is brought to you for free and open access by Scholarship Commons. It has been accepted for inclusion in Saint Louis University Public Law Review by an authorized editor of Scholarship Commons. For more information, please contact erika.cohn@slu.edu, ingah.daviscrawford@slu.edu.

“THE POSSIBILITY OF A BELOVED PLACE”: RESIDENTS AND PLACEMAKING IN PUBLIC HOUSING COMMUNITIES

SUSAN BENNETT*

What we need to live well, to dwell, is to trust in the possibility of a beloved place and our own significant part in the making of such places.¹

I. PROLOGUE: “IT IS TO BE HOPED THAT THEIR REMOVAL WILL BE EFFECTED WITH AS MUCH GENTLENESS AS POSSIBLE”²—THE DEATH AND DISCOVERY OF SENECA VILLAGE

Between 1825 and 1829, a Dutch immigrant landholder sold off fifty parcels of farmland lodged between what are now 89th and 82nd streets on the north and south, and the Great Lawn of Central Park and Central Park West, of Manhattan.³ Of the fifty lots, twenty-four were purchased by elders of the African Methodist Episcopal Zion Church and by a group of free African American families. These first settlers raised nine wood frame houses in those first four years.⁴ Over the next three decades, some six hundred souls, in sixty households, would build their homes, pay taxes, and rear children in the community of Seneca Village.⁵ On this ground they built a church, and then two more; consecrated two cemeteries, and established a “Colored School” for the children. By 1856, 264 residents lived there, about two thirds of them

* Professor of Law and Director, Community and Economic Development Law Clinic, Washington College of Law, American University. The author wishes to thank her dean, Claudio Grossman, and the Washington College of Law, for generous research support; her research assistants, Heather Buanno and Mary Burford, for their diligence and persistence; her colleagues, Michael Diamond, Susan Jones and Sidney Watson, for their kindness in reviewing the draft; and her Symposium reader, Michelle Adams, for going above and beyond the call in her careful and thought comments.

1. LYNDA H. SCHNEEKLOTH & ROBERT G. SHIPLEY, PLACEMAKING: THE ART AND PRACTICE OF BUILDING COMMUNITIES 18 (1995).

2. *See infra* note 11 and accompanying text.

3. New York Historical Society, “What is Seneca Village” Exhibition Flier (1997) (on file with the author).

4. ROY ROSENZWEIG & ELIZABETH BLACKMAR, THE PARK AND THE PEOPLE: A HISTORY OF CENTRAL PARK 65 (1992).

5. *Id.* at 70.

African Americans, and about one-third the more recent arrivals, mostly Irish with a scattering of German immigrants.⁶

By the fall of 1857, the houses were condemned, the families were dispersed, and the AME church and school were gone.⁷ The rest of the dwellings and institutions followed. Construction on Central Park began in 1858. Seneca Village disappeared to all but a handful of historians⁸ until the excavation of Central Park's Great Lawn in 1996, when archaeologists uncovered the foundations, shards and other fragments of a thriving, racially and ethnically diverse community.⁹

Why this settlement grew, died, and was forgotten so quickly, is a lesson in the power of "spin" and the persuasiveness of a dominant story. One among many pressures that produced Central Park was the agitation of wealthy landholders on the Upper West Side for a barrier against the swelling population of African American and particularly Irish residents to their immediate south.¹⁰ A contemporary account of the plan to clear the land expressed sympathy for and distinguished the village's African American residents from their less desirable neighbors:

"...west of the reservoir, within the limits of the Central Park, lies a neat *little settlement* known as 'Nigger Village.' The Ebon inhabitants... present a pleasing contrast in their habits and the appearance of their dwellings to the Celtic occupants, in common with hogs and goats, of the shanties in the lower part of the Park. . . ." "It is to be hoped that their removal will be effected with as much gentleness as possible." (italics in the original)¹¹

Subsequent renditions omitted any mention of the existence of a stable settlement within the bounds of the future park. Egon Viele, the first engineer for the Central Park project, described the site as: "...the refuge of about five

6. New York Historical Society, *supra* note 3. For a detailed description of the New York Historical Society's exhibit, "Before Central Park: The Life and Death of Seneca Village," including information on the individual households of the settlement, see Douglas Martin, *A Village Dies a Park is Born*, N.Y. TIMES, Jan. 31, 1997, at C1. Many reporters covered the opening of the Society's exhibit in January 1997; a particularly engaging story described one Brooklyn resident's discovery that his ancestors on his mother's side may have lived in Seneca Village. See Clyde Haberman, *The History Central Park Almost Buried*, N.Y. TIMES, Feb. 28, 1997, at B1.

7. ROSENZWEIG & BLACKMAR, *supra* note 4, at 89.

8. For interviews with historians Roy Rozenzweig and Peter Salwen, whose research of city maps and tax records had persuaded them of the existence of a settlement even before physical artifacts of Seneca Village were uncovered, see Douglas Martin, *Before Park, Black Village: Students Look Into a Community's History*, N.Y. TIMES, Apr. 7, 1995, at B1.

9. Michael Finnegan & Chrisena Coleman, *Central Park Hiding Village Artifacts*, N.Y. DAILY NEWS, Jan. 9, 1998, at 35.

10. EDWIN G. BURROWS & MIKE WALLACE, *GOHAM: A HISTORY OF NEW YORK CITY TO 1898*, at 792 (1999).

11. N.Y. TIMES, July 9, 1856.

thousand squatters, dwelling in rude huts of their own construction, living off the refuse of the city. . . ."¹² and set the tone for all to follow. Ten years later, the memory of the "neat little settlement" had metamorphosed further. One writer dismissed the village as less than negligible:

"...a dreary waste of sterile rocks. . . , relieved now and then by filthy sink-holes and pools of stagnant water. Upon these rocks and around these pools were gathered a large number of rickety little one-story shanties, and a mixed population of 'squatters,' mostly Irish, and pigs, goats, chickens, cows and children. . . . an excrescence on the fair features of the City. . . ."

Celebrating the dispersal of this "population" by the police, the writer commemorated the "...herculean task which lay before them, particularly that of ridding the round of its squatters, pigs and other animals. The raid made by the police upon these stubborn 'insects' will not be forgotten."¹³ In a final and lasting transformation, in 1907 a local historian depicted the neighborhood buried under the Park as a "wilderness" and "waste" of "...many families of colored people with whom consorted and in many cases amalgamated debased and outcast whites."¹⁴

II. TODAY'S "URBICIDES": MARGINALIZATION AND DISPERSAL OF DISTRESSED COMMUNITIES

To clear the way for the new park, the residents of Seneca Village had to be made to disappear. Their marginality made the trick easy. The repeated depiction of the settlement as ragged—a wasteground of discarded, disconnected pieces of urban life, some of them human—sealed its elimination from place and from memory.

What happened to Seneca Village set a pattern for a process: the diminishment of a population in preparation for its dispersal. One author has combined the triple processes of diminishment, dispersal and demolition under one coinage, "urbicide," and has located it as early in history as the sack of Troy and the diaspora of the Jews under the Babylonian captivity.¹⁵ Seneca Village presents a more recent example. Closer to our time still, the urban renewal sparked by the incentives offered through the 1949 National Housing Act bears all the hallmarks of urbicide:¹⁶ the subordination of local and

12. ROSENZWEIG & BLACKMAR, *supra* note 4, at 64.

13. *Local Intelligence – Central Park*, N.Y. TIMES, Aug. 19, 1866.

14. ROSENZWEIG & BLACKMAR, *supra* note 4, at 67 (quoting JOHN PUNNETT PETERS, ANNALS OF ST. MICHAEL'S, 1807-1907, at 445-6 (1907)).

15. Marshall Berman, *Falling Towers: City Life After Urbicide*, in GEOGRAPHY AND IDENTITY: LIVING AND EXPLORING THE GEOPOLITICS OF IDENTITY 172, 172-5 (1996).

16. For a critique of the financial incentives for residential demolition provided in the United States and National Housing Acts, see ROBERT HALPERN, REBUILDING THE INNER CITY: A HISTORY OF NEIGHBORHOOD INITIATIVES TO ADDRESS POVERTY IN THE UNITED STATES 67-8 (1995).

particular to city-wide and abstract interests; the imposition of one aesthetic vision of a city on one neighborhood's vision of itself; and the ease with which local interests and neighborhood visions could be minimized, held as they were by populations already isolated by race. The examples are legion—the West End in Boston,¹⁷ Oak Street in New Haven,¹⁸ “Southwest” in the District of Columbia,¹⁹—as are the critiques, the most powerful of which mourn the loss of self-contained, flawed but vibrant worlds.²⁰

Among the marginal communities most recently to be dispersed in the process of urban renewal is that of public housing residents. By architectural and political design, public housing complexes began their history in racial and geographical isolation, an isolation intensified over the years by demographic shifts, labor and housing market forces, and vicissitudes of federal housing policy. Atrocious management and withdrawal of federal financial support for maintenance made of many complexes notorious hellholes that replicated the worst features of the early twentieth century slums that they were built to replace. From the early 1970's on, media coverage of spectacles such as the demolition of the Pruitt-Igoe towers in St. Louis heightened public awareness of the reality of physical decline of some public housing, so that all public housing came to represent the most removed, the most “other” of isolated poor communities, the archetype of the “outcast ghetto.”²¹

17. Herbert Gans took up residence in the West End to study the impact of the impending redevelopment of the neighborhood on the residents. He left seven years later, at the beginning of demolition, an opponent of the redevelopment and a believer in the vitality and cohesiveness of the West End's Italian immigrant working class community (as did my parents, then newlyweds and medical residents at nearby hospitals, who remembered the West End as a bustling and welcoming place to live). See HERBERT J. GANS, *THE URBAN VILLAGERS: GROUP AND CLASS IN THE LIFE OF ITALIAN-AMERICANS* 305-6 (1962).

18. Robert A. Solomon, *Building a Segregated City: How We All Worked Together*, 16 ST. LOUIS U. PUB. L. REV. 265, 287-8 (1997).

19. The video documentary, *SOUTHWEST REMEMBERED: A STORY OF URBAN RENEWAL* (Lamont Productions, Inc. 1990), depicts the elimination and redevelopment of the community of southwest D.C. during the mid-1950's. For the decisions that expanded the power of eminent domain to allow condemnation for not only public use, but public purpose, and in doing so cleared the way for the D.C. Redevelopment Land Authority to take down both residential and commercial buildings and re-sell the property to commercial developers in the name not only of elimination but prevention of the hypothetical recurrence of “slums and blight,” see *Berman v. Parker*, 348 U.S. 26 (1954); and *Schneider v. District of Columbia*, 117 F.Supp. 705 (D.C. Cir. 1953).

20. In addition to Gans's study, *supra* note 17, for other contemporaneous descriptions of the impacts of 1950's – style urban renewal, see MARTIN ANDERSON, *THE FEDERAL BULLDOZER: A CRITICAL ANALYSIS OF URBAN RENEWAL, 1949-1962*, at 54 (1964) (estimating the eviction of some 609,000 persons by March, 1963 as a result of urban renewal); and Marc Fried, *Grieving for a Lost Home*, in *THE URBAN CONDITION: PEOPLE AND POLICY IN THE METROPOLIS* 151 (Leonard J. Duhl ed., 1963).

21. Peter Marcuse, *The Enclave, the Citadel, and the Ghetto: What Has Changed in the Post-Fordist U.S. City*, 33 URB. AFF. REV. 228, 229-32 (1997) (describing the emergence of the

Today's prescription for curing what have been depicted as undesirable concentrations of poverty, joblessness and attendant social pathology, is to disband them: to integrate present configurations of public housing community by type of housing tenure and consequently by income. This is a goal that can only be achieved by moving current residents out, moving residents able to rent units and purchase homes at market rate in, and in some cases by demolishing the structures that have come to symbolize failure. The HOPE VI program, HUD's primary capital public housing initiative from 1993 to the present, has funded the demolition of an eventual total of 82,000 "severely distressed" public housing units, to be replaced with 51,000 "revitalized" units with a mix of housing types and rent levels.²² In this present incarnation, this is a strategy that has evolved in fits and starts over the past thirty years of federal housing policy. Taking the long view, one can see in it an echo of the urban renewal of years past, and the Seneca Villages and other urbicides of long ago.

The question is whether the current residents of public housing will have a place in the new world order: will they have reason "to trust in the possibility of a beloved place," and to take "significant part in the making of such places?" The question might seem as irrelevant now as it did to the mid 1950's generation of policy makers and urban planners who looked at communities, saw none, and bulldozed them over. Indeed, some commentators look at the urban renewal of the 1950's, with its significant loss of affordable housing units, displacement of thousands of poor tenants, and alliances with private developers, and at the "new urbanism" of HOPE VI, with its significant loss of affordable housing units, displacement of thousands of poor tenants, and alliances with private developers, and see little difference.²³ Whether the participation of public housing tenants in place-making is possible or even desirable depends in part on the perception of which Seneca Village these residents now inhabit: the "neat little settlement" of contemporaneous description and present-day historians' revelation; or the "wilderness and waste" that was, and is, the prevailing view of public housing.

That participation may also depend on what this essay will explore as an anomaly, or at least a contradiction within federal housing policy: a sporadic history of support for public housing residents to organize and to take control of their physical environments. From the early 1970's, when foundation and federal funds picked up on spontaneous insurgencies to help tenants take over

"outcast ghetto" an urban phenomenon distinct, in its greater exclusion from mainstream society, from the "ghetto").

22. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, HOPE VI FACT SHEET (1999).

23. See Larry Bennett, *Do We Really Wish to Live in a Communitarian City?: Communitarian Thinking and the Redevelopment of Chicago's Cabrini-Green Public Housing Complex*, 20 J. URB. AFF. 99, 113-4 (1998).

management of their properties, through a resurgence of enthusiasm for tenant training for self management in the mid 1980's, federal programs focused on resident management as a favored strategy for resident involvement. Resident management is only one of any number of strategies, and only one of any number of markers for the ability of tenants in public housing to constitute community. More recently, Congress deepened and broadened its funding of resident initiatives to include training in basic board development; most recently, funding for community building in public housing has responded to time limits imposed in the revised public welfare system, and focused more on assisting the individual resident in developing job skills for use off the premises than organizing skills for use on them. Today's articulation of the mandate for direct provision of low rent housing, the Quality Housing and Work Responsibility Act of 1998 (QHWRA)²⁴ simultaneously espouses tenant empowerment and tenant dispersal, two goals that seem so hard to reconcile that they pose an internal contradiction.

Few raise their hands in support of public housing. People even like to blow it up. The dramatic, and dramatized, implosion of the fourteen-story high rises at the Murphy Homes in Baltimore assumed an air of cathartic celebration, scheduled as "a spectacular kickoff to the July Fourth weekend."²⁵ The Department of Housing and Urban Development (HUD) listed the demolition of 100,000 public housing units by fiscal 2003 as one of its performance goals in its 1999 Annual Performance Plan;²⁶ since 1992, some 56,500 units have been lost to the public housing inventory, approximately eighty percent of them removed through demolition.²⁷ A tangible, visible target, public housing has been easier to vilify than public welfare. But in a housing economy in which many who earn minimum wage would have to work between 103 and 133 hours a week to earn the amount necessary to make rent on a two bedroom apartment,²⁸ and full time teachers, police officers and

24. Quality Housing and Work Responsibility Act of 1998, Pub. L. No. 105-276, 112 Stat. 2461, 2518 (1998) [hereinafter QHWRA].

25. Sarah Pekkanen & Zerline A. Hughes, *After 36 Years, a Pile of Memories*, BALTIMORE SUN, July 4, 1999, at A1.

26. MARTIN D. ABRAVANEL ET AL., BUILDING HEALTHY COMMUNITIES THROUGH FEDERAL HOUSING POLICY: CURRENT DEVELOPMENTS IN THE UNITED STATES 10 n. 7 (1998).

27. Conversation with Ainars Rodin, Dir. for Demolition and Disposition, Special Applications Unit, Dep't of Housing and Urban Development (June 15, 2000); U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, DEMOLITION/DISPOSITION FISCAL ACTIVITY SUMMARY, NATIONAL REPORT (as of June 14, 2000) (reporting 101,906 units approved for removal from the public housing inventory, to include demolition or disposition, between 1992 and 2000, with 56,544 units actually removed).

28. NATIONAL LOW INCOME HOUSING COALITION/LOW INCOME HOUSING INFORMATION SERVICE, OUT OF REACH (1999), available at <http://www.nlihc.org/oor99/badmetro.htm>.

laborers seek emergency overnight shelter,²⁹ no housing resource can be taken for granted. The question is whether populations associated with public housing can be.

III. "WHERE DOES COMMUNITY GROW?"³⁰—DEPICTIONS, DE-CONCENTRATION, AND DISPERSAL OF PUBLIC HOUSING COMMUNITIES

Some might dispute that "community" fits with "public housing"—that public housing, often described early in its history as a way station, and later as shelter of last resort for the hardest to house, was in its conception and its very physical design intended to discourage any formation of community. As I will describe later, there is consensus on at least some of the history, politics, and assessment of the physical features: that much public housing was deliberately sited in areas rejected by builders of market-rate housing, where poor people of color already endured limited access to jobs, transportation and public services; and that often its builders corrupted its maladaptive design with structural shortcuts and shoddy materials. What is much less clear is that these historical antecedents of necessity produced conditions that crippled the generation of community. But media attention to some of the more spectacular physical deficiencies, and the acceptance into popular perception and social policy of theories with far-ranging import—theories about the impacts of physical structure, and segregation by geography, race and income on the behavior and self-image of residents of public housing—ultimately have made of these conditions a kind of inevitability, and of the dispersal of these communities an unexamined given. I will review some of those influences here.

A. *A River of Trees, A Sewer of Glass: Theories of the Influence of Design on the Construction of Public Housing Community*

Many theories contribute to the conviction that public housing complexes provide inhospitable soil for the growth of community. One of the most persuasively argued is that the very design of public housing structures doomed them to decay, and their inhabitants to dysfunctionality, from the beginning. This conclusion derives from several analyses that often get compacted together. Each proceeds from different assumptions, depending on

29. Evelyn Nieves, *Many in Silicon Valley Cannot Afford Housing, Even at \$50,000 a Year*, N.Y. TIMES, Feb. 20, 2000, at 20 (reporting that some full time employees in service jobs in northern California use their full day passes to nap all night on public busses, as the only shelter they can afford; that 34% of homeless people in Santa Clara County work full time; and that teachers, police officers, firefighters, and others earning more than \$50,000 a year must seek help at overnight shelters).

30. Rebekah Levine Conley et al., *Where Does Community Grow? The Social Context Created by Nature in Urban Public Housing*, 29 ENV'T & BEHAV. 468 (1997).

the belief of the proponents in the inherent power of architecture to create patterns of social interaction and behavior.

One view of public housing construction and design is that it was built to look “cheap and proud of it,” to save money but also demonstratively to distinguish low rent from ingrained expectations of the appearance of middle class housing.³¹ At least one commentator has suggested that, in general, renting historically has enjoyed less social and political support than owning, and renters in any income bracket are considered to be more questionable contributors as citizens than are home owners.³² If one accepts that thesis, then renters in low rent, government-owned housing labor under a dual opprobrium. Lawrence Vale, a professor of urban studies and planning at MIT who has contributed to the re-design of several public housing complexes in Boston and has written extensively about the design and history of public housing,³³ has pushed the position further: that public housing was designed not only to distinguish but to stigmatize. He has observed, first, that there is “. . . a hierarchy of architectural styles and spatial arrangements”³⁴ that manifests the hierarchy of housing tenures, with owned housing at the top of the scale and public housing at the bottom. Next, he has suggested that public housing renters feel the impact of living at the bottom of the architectural pile not merely from the shame of association with visibly stigmatized structures and exclusion from the world of those who live in more acceptable ones, but from internalization of the architectural stigma: that “. . . layers of stigma blend and merge into a single image of the ‘undeserving poor.’”³⁵ This image projects to the “outside” world, but intrudes inwardly as residents absorb the pain of the stigmatization.³⁶

This last contention—that physical environment works as a molder of character and of world view—extends, but also says something different from, the observation that the built physical environment of public housing operates externally, as political symbol. It claims a power for bricks and mortar and

31. John Atlas & Peter Dreier, *From “Projects” to Communities: Redeeming Public Housing*, J. HOUSING 21, 26 (1993).

32. See Donald A. Krueckenberg, *The Grapes of Rent: A History of Renting in a Country of Owners*, 10 HOUSING POL’Y DEBATE 9, 10 (1999).

33. See, e.g., Lawrence J. Vale, *Public Housing Redevelopment: Seven Kinds of Success*, 7 HOUSING POL’Y DEBATE 491 (1996); Lawrence J. Vale, *The Revitalization of Boston’s Commonwealth Public Housing Development*, in AFFORDABLE HOUSING AND URBAN DEVELOPMENT IN THE UNITED STATES 100 (Willem van Vliet ed., 1997).

34. Lawrence J. Vale, *Destigmatizing Public Housing*, in GEOGRAPHY AND IDENTITY: LIVING AND EXPLORING GEOPOLITICS OF IDENTITY 226 (Dennis Crow ed., 1996).

35. *Id.* at 439.

36. Not all observers of public housing residents and their attitudes towards their homes would agree; surveys performed in the mid 1970’s of residents of many different public housing complexes scattered across the country suggest that many felt positive about their housing. See RACHEL BRATT, *REBUILDING A LOW-INCOME HOUSING POLICY* 63-4 (1989).

configuration of space that others see as incidental. But some have argued that the most-maligned features of public housing architecture actually were conceptualized not to stigmatize, but to uplift. Alexander von Hoffman has noted that the two characteristic features of 1950's public housing design—the "super-block," the parallel rows of buildings that extend beyond the limits of a city block, and the high-rise tower—simply adopted the fashions of post-war European modernist architecture.³⁷ Von Hoffman views the adaptation of these elements of design to public housing as just one more example of what he calls "visionary idealism," the idea that "...manipulation of the environment can improve the social circumstances and behavior of the poor. . . ."³⁸ This architectural hubris channeled the more altruistic impulses of affordable housing policy from the Progressive through the post-war eras. The goal of architecture for the poor was not to punish them for their poverty, but to pluck them from the disease and moral disorder of tenements and re-lodge them in more salubrious settings.

As von Hoffman has summarized the history and theology of the architectural modernism of the 1950's, architects did not confine their faith in the ability of architecture to transform and provide moral uplift only to the poor. As one of the first proponents of "defensible space,"³⁹ principles of urban architectural design inspired by Jane Jacobs's *The Death and Life of Great American Cities*, and formulated in part in direct reaction against the case history of the Pruitt-Igoe towers, Oscar Newman himself in retrospect viewed that debacle of design not primarily as a construct meant deliberately to stigmatize the poor people living within it, (though that may have been the effect), but as one example of the International Style gone wrong. Pruitt-Igoe's eleven story towers, all thirty-three of them, were intended to accommodate desires for green space with a "river of trees" planted in the large, undifferentiated open spaces between the towers, and for living space with common laundry and garbage facilities, and common rooms on every third floor. Flaws in the execution, but primarily flaws in the basic concept, turned the "river of trees" into a "sewer of glass and garbage."⁴⁰ Pruitt-Igoe and other exemplars ignored not merely the elements associated with that object of desire—the middle class home with a front and a back and land the owner could walk around—but some more organic principles that the model of "home" shared with "defensible space:" the role of physical environment in creating for residents "surveillance opportunities" that contribute to the ability

37. Alexander von Hoffman, *High Ambitions: The Past and Future of American Low-Income Housing Policy*, 7 HOUSING POL'Y DEBATE 423, 426-7 (1996).

38. *Id.* at 439.

39. OSCAR NEWMAN, DEFENSIBLE SPACE 50 (1973) (summarizing discussion principles for "defensible space," including the influence of design on the "perception of a project's uniqueness, isolation, and stigma").

40. OSCAR NEWMAN, CREATING DEFENSIBLE SPACE 9-10 (1996).

to exercise “territorial influence,” or real control over space, and therefore increase residents’ psychic investment in the places in which they live.⁴¹

“Obsolescence”—that which is so overtaken by time or fashion as to seem useless beyond repair—has become an indicator for the public housing units that will be marked for drastic renovation or removal. Several years ago, HUD described the purpose of the HOPE VI program as one of “public housing transformation, “ a vision attainable through the obliteration of past mistakes:

Changing the physical shape of public housing. This includes tearing down the eyesores that are often identified with obsolete public housing and replacing them with homes that complement the surrounding neighborhoods and are attractive and marketable to the people they are intended to serve, meeting contemporary standards of modest comfort and liveability.⁴²

As currently authorized through the QHWRA, the HOPE VI program funds the “. . .demolition, rehabilitation, reconfiguration, or replacement of obsolete public housing projects (or portions thereof).”⁴³ In applying for awards for revitalization or demolition, public housing authorities must show that targeted buildings qualify as “severely distressed,”⁴⁴ defined under the Act first as requiring the following:

“. . .major redesign, reconstruction or redevelopment, or partial or total demolition, to correct *serious deficiencies in the original design* (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the project; . . .”⁴⁵ (emphasis mine)

The fatalism underlying what I would call the “architectural determinism” position—that the flaws were poured into the concrete and lay as embedded there as original sin—has made it easy to collect all of the problems plaguing public housing, deem them irreparable, and call them “obsolescence.” While headline value and visceral appeal contribute as well to the attractiveness of the solution, “obsolescence” justifies the ultimate course of action for reform of public housing, which is to dynamite the mistakes. As the National Commission on Severely Distressed Public Housing noted, whatever the impact of flawed design, public housing throughout its tenure has suffered from shortfalls in funding for capital improvements and for routine and long-term maintenance.⁴⁶ It is simpler, and quicker, to eliminate buildings as

41. OSCAR NEWMAN, DEFENSIBLE SPACE 50 (1973).

42. Department of Housing and Urban Development, Notice of Funding Availability For Public Housing Demolition, Site Revitalization, and Replacement Housing Grants (HOPE VI), 61 Fed. Reg. 38,024, 38,025 (1996).

43. QHWRA §535(a), 112 Stat. at 2581.

44. See Department of Housing and Urban Development, Notice of Funding Availability for the HOPE VI Programs, 65 Fed. Reg. 9599, 9603 (2000).

45. QHWRA §535(j)(2)(A)(i), 112 Stat. at 2584.

46. NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING, THE FINAL REPORT 76 (1992).

outmoded, rather than to acknowledge that at least some of them represent the sad results of years of neglect.

It is true that HUD relies on renovation as well as demolition to rejuvenate its inventory. It has awarded fewer than half of its HOPE VI grants over the seven years of the program to projects solely for demolition.⁴⁷ But as noted earlier and I will describe more fully below, the image of demolition carries its own momentum. "Obsolete," as an element of "distressed," has been stretched to cover not merely elements of physical design but philosophies of how and why poor people should be housed.

Does it matter whether the contribution of architecture to the decline of public housing, and to public perception of it as "other," was deliberate or maladroit? Whether design in and of itself predestined public housing to deteriorate, or whether deterioration resulted from the many political forces to which design only gave expression? And above all, did design of public housing cause residents to self-destruct within it? Ironically, at least one proponent of the theory that public housing was built bad, to look bad, to make residents feel bad, does not believe that confinement in public housing has drained residents of their will to create community. Vale comments positively on the cohesiveness of the Commonwealth Tenants Association, which negotiated a 223 page redevelopment management agreement with the Boston Housing Authority and with private management.⁴⁸ As I will describe below, one premise underscoring a quarter century of governmental support for resident management of public housing is that tenants can, or can be trained to, muster sufficient internal organization and drive to engage in self-management.

B. *Faulty Towers: The Power of Media Images of "Wilderness and Waste"*

As Joseph Shuldiner, Assistant Secretary for Public and Indian Housing in the first Clinton administration admitted, the appearance of some public housing has fed its own bad press. In an interview in 1994, Shuldiner explained the difficulty of moving the public beyond its disapproval of public housing, when the physical face of public housing (especially in big media markets) so readily presents such easy grist for distaste:

When I was back in New York everybody always used to say the thing that was killing us was Newark, because the editors from the New York Times

47. HOPE VI GUIDEBOOK, HOPE VI PROGRAM AUTHORITY AND FUNDING HISTORY 1, 6 (2000) (of 274 grants HUD awarded 35 for planning, 131 for revitalization, and 108 for demolition only). Since some revitalization projects also include plans for demolition, the number of demolition grants alone does not indicate fully the amount of demolition supported by the HOPE VI program. *Id.* at 6 (describing revitalization grants for 1999 as assisting the demolition of 9815 units).

48. Vale, *The Revitalization*, *supra* note 33, at 110.

would drive in from New Jersey and they would go by those vacant buildings and say, that's public housing. . . . If it's good public housing, nobody knows it's public housing. If it's bad housing, everyone assumes it's public housing.⁴⁹

Some of the worst satisfy expectations of the worst so easily that it is impossible to get beyond the gut-turning images of linked social and physical decay. A tenant of the Robert Taylor Homes in Chicago, frustrated at his inability to enlist Jesse Jackson in efforts to save the project from demolition, ("If you (Jackson) can go to Kosovo, Bosnia, why can't you come to the Robert Taylor Homes?") fared no better when he tried to engage a reporter's sympathies through a tour of the property:

His purpose was to show me that "it's totally a normal life" and that the answer was honest management, not demolition. But the smell of urine in the hallways and sewage in the courtyards, the out-of-service elevators, the pitch-black stairwell, the prison-grade steel webbing that encased the buildings, the young drug courier grinning boyishly at us as he played hide-and-seek with plainclothes cops—an hour and a half into Galtney's tour, his case was in ruins.⁵⁰

The reporter concluded that he "began to understand why Belgrade under NATO bombing might be preferable. . . ."⁵¹

Popular conception that community cannot grow in public housing has been reinforced by best-selling "hero stories," such as *There Are No Children Here*. Alex Kotlowitz's graphic account, published first in a series of occasional pieces in the Wall Street Journal, and then as an extended chronicle, follows two brothers growing up amidst the deplorable conditions of the Henry Horner Homes.⁵² "Hoop Dreams," the documentary, spends two years in the lives of talented high school basketball players in Cabrini-Green,⁵³ another of the several public housing complexes in Chicago that attract so much journalistic attention. Ron Suskind, another reporter for the Wall Street Journal, portrayed a teenager struggling to escape an unnamed public housing project in southeast Washington, D.C. to make his place in the Ivy League.⁵⁴ In these extremely sympathetic narratives, only the superhuman strivings of a

49. Chester Hartman, *Shelterforce Interview: Joseph Shuldiner, Assistance Secretary for Public and Indian Housing*, 77 SHELTERFORCE ONLINE (Sept/Oct. 1994), available at <http://www.nhi.org>.

50. George Packer, *Trickle-Down Civil Rights*, NY TIMES MAG., Dec. 12, 1999, at 75, 78.

51. *Id.*

52. ALEX KOTLOWITZ, *THERE ARE NO CHILDREN HERE* (1991).

53. See W. David Koeninger, *A Room of One's Own and Five Hundred Pounds Becomes a Piece of Paper and "Get a Job:" Evaluating Changes in Public Housing Policy from a Feminist Perspective*, 16 ST. LOUIS U. PUB. L. REV. 445, 445 n.1, 446 (1997) (citing *Hoop Dreams*, Kotlowitz's book, and describing media coverage of conditions at Cabrini Green in Chicago).

54. RON SUSKIND, *HOPE IN THE UNSEEN: AN AMERICAN ODYSSEY FROM THE INNER CITY TO THE IVY LEAGUE* (1998).

single parent or an occasional teacher enable the courageous young protagonists to surmount their surroundings. Their immediate neighborhoods offer them nothing. The only "community" that the public housing complexes present consists of a gauntlet of obstacles to be overcome. Other depictions of life in public housing present the decay, without even the possibility of redemption.⁵⁵ Exceptions, such as the documentary "No Place Like Home," which chronicles the successes of public housing residents in managing their properties in Washington D.C., St. Louis and Boston, are few and far between—and shown on PBS.⁵⁶

As noted earlier in the example of coverage of the demolition of one of the high-rise public housing complexes in Baltimore, if squalor in high-rise public housing buildings draws media coverage, then the explosion of high-rise public housing buildings draws even more—and the promise of coverage draws explosions. Hartung and Henig evoke the image of then-secretary of HUD Henry Cisneros in 1995, taking a sledgehammer to the wall of one project in St. Louis, and pushing the button to bring down five towers in Philadelphia.⁵⁷ If the trip had been a rock concert, it would have been billed as the "HUD Ten City Demolition Tour" (without the T shirts). Through the saga of Claribel Ventura, the mother of six who became a media icon for every possible negative association of welfare receipt with generational dependency and parental unfitness, Lucy Williams has demonstrated how coverage that seeks out the most sensationalist, stereotypical aspects of an image or event can affect policy more profoundly, and more swiftly, than the most carefully documented presentation.⁵⁸ Coverage in mass print, visual, and other media has pushed the negative archetypal symbols of public housing—the high rises, the garbage, the gangs—into prominence, and more shaded images into the background. Despite the reality—that, as of the early 1990's, only 6% of public housing stock was assessed as "severely distressed,"⁵⁹ that only 27% of

55. In *THE PROMISED LAND*, Nicholas Lemann chronicled the pilgrimage of African Americans from the Deep South to Chicago through, among others, the story of Ruby Daniels and the public housing unit she moved into at Robert Taylor Homes. By 1985, the apartment building showed all the archetypal symbols of public housing decay: "...littered with empty bottles and piles of uncollected garbage." NICHOLAS LEMANN, *THE PROMISED LAND: THE GREAT BLACK MIGRATION AND HOW IT CHANGED AMERICA* 295 (1991).

56. *Corporation for Educational Radio and Television, the New Urban Renewal: Reclaiming Our Neighborhoods, Park III: No Place Like Home* (PBS television broadcast, May 30, 1997).

57. John M. Hartung & Jeffrey R. Henig, *Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor: Evidence from the Washington, D.C. Metropolitan Area*, 32 *URB. AFF.* 403, 404 (1997) (citing T. Uhlenbrock, *Vaughn Complex is on its Way Down*, *ST. LOUIS POST DISPATCH*, May 2, 1995, at B1, 2).

58. Lucy A. Williams, *Race, Rat Bites, and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate*, 22 *FORDHAM URB. L.J.* 1159, 1159-61 (1995).

59. *THE FINAL REPORT*, *supra* note 46, at 15.

public housing buildings were high-rises,⁶⁰ and that only seven of the thirty-four sites showing sufficient indicators of “severe distress” to merit HOPE VI awards between 1992 and 1995 included high-rise buildings⁶¹—“public housing” in the popular imagination means super-blocks, big towers, and bad-smelling hallways.

C. The People in the Buildings: Federal Preferences and Loss of Confidence in the Capacity to Build Community

With the exception of the “hero stories,” images of public housing residents tend to take a back seat to images of the buildings they live in.⁶² Deep digging into government monographs of limited circulation,⁶³ unpublished manuscripts⁶⁴ and small press materials⁶⁵ offers a glimpse of

60. John Atlas & Peter Dreier, *From “Projects” to Communities: Redeeming Public Housing*, J. HOUSING 21, 26 (1993).

61. HUD BASELINE ASSESSMENT OF HOPE VI, at 1-20 (1996) [hereafter HUD HOPE VI BASELINE].

62. A “Nexis” search for January 1999 through June 2000, using “public housing residents” as the search term, yielded out of the forty-nine entries (including newswire services) two “hero” stories; two stories about programs to equip residents with marketable job skills; one story about a college scholarship fund for residents and raised by residents; one article about a college and career fair for public housing residents; and one article about home buying by public housing residents. Most of the rest announced awards under the 1998 HOPE VI funding cycle. *See PHA Hires Resident Leader Jackie McDowell for Key Executive Post*, PR NEWswire, Aug. 16, 1999; Chris Grier, *Shuttle Service Putting Woman on Fast Track Toward Success*, THE VIRGINIAN-PILOT, Aug. 25, 1999, at B9 (subsidized housing residents builds business to shuttle residents from homes to work); *Public Housing Residents Get a New Change to Break Cycle of Poverty with Jobs in the Healthcare Industry*, PR NEWswire, Mar. 5, 1999 (about graduation ceremony for nurse’s aides); Glenn E. Rice, *Unemployed find work in community; Public Housing Residents Help Build Neighborhood*, THE KANSAS CITY STAR, June 18, 1999, at C4 (OJT for residents in construction trades); Knight Stivender, *Public Housing Residents Aid Students, \$1,000 Scholarships Awarded to Four*, THE TENNESSEAN, Aug. 20, 1999, at 6B; *Public Housing Residents Invited to Attend College and Career Day*, PR Newswire, Feb. 23, 2000 (college fair for residents in Richmond, Va.); Michael Lollar, *Lewis Shares Knowledge of Route Out of Poverty*, THE COMMERCIAL APPEAL, Mar. 28, 1999, at F7 (residents recount experiences in buying their own homes).

63. *See generally* SUSAN R. FRIES & G. THOMAS KINGSLEY, HOPE VI: COMMUNITY BUILDING MAKES A DIFFERENCE (2000) (prepared for HUD); ARTHUR J. NAPARSTEK, DENNIS DOOLEY & ROBIN SMITH, COMMUNITY BUILDING IN PUBLIC HOUSING: TIES THAT BIND PEOPLE AND THEIR COMMUNITIES (1997) (prepared for HUD).

64. The engagement of public housing residents in managing or buying their rental properties has been the subject of several graduate dissertations. *See, e.g.*, Monica E.S. Clarke, *Is There a Way Out for Public Housing Residents? A descriptive Study of Public Housing Residents and Efforts to Become Homeowners* (1998) (Master’s Thesis in Urban Studies, University of New Orleans).

65. *See* Alma H. Young & Jyaphia Christos Rodgers, *Resisting Racially Gendered Space: The Women of the St. Thomas Resident Council, New Orleans*, in *Marginal Spaces*, Vol. 5 Comparative Urban and Community Research 95-112 (Michael Peter Smith ed., 1995).

neighborhoods with thriving institutions. One can infer from materials even less widely available to the general public—court decisions and litigation materials—the determination of residents in some bitterly contested struggles over redevelopment to hold their own against dispersal of what they at least consider to be their community⁶⁶—or certainly to care enough to dispute as to who among them most deserves to represent the community.⁶⁷ Truly to get a good picture would require interviews with the residents, or at least resident leaders, identifiable to outsiders through, for instance, their association with HOPE VI redevelopment plans⁶⁸—a labor-intensive project which is regrettably not part of this paper (or at least of this stage of it). But the dearth of popularly broadcast images of anything good leaves space open for assumptions to control. Some assumptions are supported by data: that people who live in public housing are very poor;⁶⁹ and that in some communities they are disproportionately minorities.⁷⁰ Other assumptions—that residents in

66. Demolition plans under HOPE VI for the most popularized visible symbols of the failure of public housing, the projects in the Chicago Housing Authority's inventory, have sparked significant litigations. *See* Cabrini-Green Local Advisory Council v. Chicago Housing Authority and Joseph Shuldiner, No. 96 C 6949, 1997 WL 31002, (N.D. Ill. Jan. 22, 1997). Memorandum Opinion and Order (denying defendants' motions to dismiss the plaintiffs claims that CHA's plan to demolish 1324 units and reserve only 300-325 of the replacement units for public housing constituted discrimination under the Fair Housing Act and Civil Rights Act of 1964 against the African American residents who would be displaced); *Henry Horner Mothers Guild v. Chicago Housing Authority*, No. 91 C 3316, 1998 WL 111582, (N.D. Ill. Mar. 6, 1998), Memorandum Opinion and Order (requiring the CHA to replace buildings slated for demolition under the recently suspended "one for one replacement" rule); *Concerned Citizens of ABLA v. The Chicago Housing Authority*, No. 99 C 4959, Complaint at 1-3, 29-34 (N.D. Ill. File July 29, 1999) (alleging that the past and planned displacement of African American families from the Addams, Brooks, Loomis and Abbott developments violated the U.S. Housing Act, the Fair Housing Act and Civil Rights Act of 1964).

67. *See also* Alexandria Resident Council v. Alexandria Redevelopment and Housing Authority, 979 F.Supp. 409, 410 (E.D. Va. 1997) (describing competing claims of original citywide tenants' association, and newly formed association, to represent residents of public housing complex slated for demolition); *aff'd*, Alexandria Resident Council v. Samuel Madden Tenant Council and Alexandria Redevelopment and Housing Authority, (unpub. Op.) 153 F.3d 718, 1998 WL 415726 (4th Cir. 1998); *vacated*, 218 F.3d 307 (4th Cir. 2000) Ann O'Hanlon, *Alexandria Officials Given Ultimatums (sic); Judge, HUD Threaten Sanctions if Tenants Not Allowed to Redevelop the Berg*, WASH. POST, Nov. 13, 1999, at Metro B2 (judge in the above-captioned case orders housing authority for the second time to accept a redevelopment bid from the Alexandria Resident Council).

68. *See generally* Housing Research Foundation, at <http://www.housingresearch.org>.

69. *See* Paul Burke, U.S. Department of Housing and Urban Development, *A Picture of Subsidized Households in 1998: United States Summaries* 40 (1998) (noting average income for a household to be \$9100, or 25% of the national median).

70. *Id.* at 41 (noting 69% of residents of public housing nationally are members of minority groups, with 47% of them African American, 19% Hispanic, and 2% Asian or Pacific Islander). On concentration of poor and minority residents in public housing, see Douglas S. Massey & Shawn M. Kanaiaupuni, *Public Housing and the Concentration of Poverty*, 74 SOC. SCI. QTRLY

public housing do not work, that most of them receive income from public assistance,⁷¹ and that they consist overwhelmingly of female-headed households with many children⁷²—are not.

Rational or irrational assumptions about who public housing residents are may fix presumptions about their capacity to organize and to participate actively in the formation of community. Even sophisticated students of public housing policy have inferred something from the operation of the federal preference program about the “place-making” capacity of public housing residents. Never in the history of the program has public housing supply met demand; since almost the beginning, it has been a tenet of public housing law that housing authorities had to set priorities for managing their waiting lists, usually in ways that indicated current thinking about who public housing was supposed to serve and what needs it was supposed to meet. The National Housing Act of 1949 required priority placement in public housing—at least on paper—for persons displaced by the urban renewal it set in motion.⁷³ Some twenty years later, the National Commission on Urban Problems assessed that accommodation as creating pockets of the residents least able originally to relocate themselves, and “. . . often referred to as problem families or the pathologic poor. . .,” whose presence in public housing prompted more “self-respecting families” to move out.⁷⁴

In 1979 Congress enacted the first of what are commonly known as the “federal preferences” for waiting list management, requiring public housing authorities to reserve annually at least 50% of available units for families who were displaced or occupying substandard housing.⁷⁵ Over the next thirteen

108, 119 (1993) (finding that, for the Chicago study area, poor African Americans were far more likely to live in areas of concentrated poverty, in public housing complexes and in proximity to them, than were poor whites).

71. See Burke, *supra* note 69, at 40 (noting that 18% of public housing residents nationally received a majority of their income from welfare, including federal Temporary Assistance to Needy Families (TANF) or state-sponsored General Assistance; and that 24% of all public housing residents receive majority of their income from employment).

72. While 39% of households in public housing residents – not a small number – consist of single women with children, *id.* at 41, 32% of the residents are seniors, 24% are seniors with disabilities, and 30% are younger disabled persons (obviously there is overlap among these figures), *id.* at 40. Although *A Picture of Subsidized Households* does not tabulate sized of families, it does indicate that 50% of the public housing inventory consists of one bedroom apartments. *Id.* at 41.

73. National Housing Act of 1949, Pub. L. No. 81-71, § 302(a), 63 Stat. 413, 423 (1949) (requiring public housing agencies to give first preference for placement to families displaced by “any public slum-clearance or redevelopment project initiated after January 1, 1947,” with preference within this group to families of service-connected disabled veterans).

74. NATIONAL COMMISSION ON URBAN PROBLEMS, 91st Cong., BUILDING THE AMERICAN CITY 111 (COMM. PRINT 1968).

75. Housing and Community Development Amendments of 1979, Pub. L. No. 96-153, §206(a), (b)(1-2), 93 Stat. 1101, 1108 (1979).

years, the categories of preference expanded to include homeless families, and persons paying more than 50% of their income in rent. For the other 50% of available units, public housing authorities were to engage in a public process of formalizing their own preference systems, with suggested priority holders to include families seeking reunification with children in foster care, and families in transitional shelters.⁷⁶ It was this structure of preferences that Congress suspended in 1996,⁷⁷ and which QHWA repealed in 1998, leaving localities to decide which, if any, preferences to institute.⁷⁸

To my knowledge, no one has examined data sets—if such sets exist—from 1979 to the present, to ascertain how or whether the legislation of federal preferences actually changed the composition of public housing residency. The empirical answer may not matter. When public housing authorities were freed from the preference system in 1996 to favor tenants with earned income, many did so, as much as a means of collecting more income from rents as to vary the demographics of the tenant bodies. But they also chose working families to counter a perception, one born out anecdotally if impossible to quantify statistically, that public housing was occupied with unstable, expensive-to-manage, families.⁷⁹ Lawrence Vale expressed the popular wisdom that the preference system created a “disproportionate concentration of poverty and of households with multiple problems. . . .”, and warned that, whatever the truth, the very existence of the preference system contributed to the opinion that public housing had become a “repository for the nation’s ‘problem people.’”⁸⁰ Public housing residents themselves may feel the same way. Although earlier lapses in screening tenants may also have been to blame, loss of control over and apprehensiveness about who their new neighbors might be, may indeed have created cleavages between the “old-line” tenants and those admitted under the preference system.⁸¹

76. See 42 U.S.C. §1437d(c)(4)(A) (1990); for a summary of the legislative history of the federal preference system, see Stanley S. Herr & Stephen M.B. Pincus, *A Way to Go Home: Supportive Housing and Housing Assistance Preferences for the Homeless*, 23 STETSON L. REV. 345, 353-87 n. 38-69 (1994).

77. Balanced Budget Downpayment Act I, Pub. L. No. 104-99, §402(d)(1)(A), 110 Stat. 26, 41 (1996).

78. Veterans Affairs and HUD Appropriations Act, §514(a), 112 Stat. at 2547.

79. Department of Housing and Urban Development, Office of Policy Development and Research, *The Uses of Discretionary Authority in the Public Housing Program*, 6-7 (July 1999).

80. Lawrence J. Vale, *Destigmatizing Public Housing*, in GEOGRAPHY AND IDENTITY: LIVING AND EXPLORING GEOPOLITICS OF IDENTITY 226, 229 (Dennis Crow ed., 1996). For an emphatic view that the federal preference and other tenant selection policies resulted in public housing that is “utterly devoid of social capital,” see Lewis H. Spence, *Rethinking the Social Role of Public Housing*, 4 HOUSING POL’Y DEBATE 355, 367 (1993).

81. One resident leader included the move-in of undesirable tenants as one element in the decline of her apartment complex: “We saw people moving into our community that was not screened. We had no say-so as to who would come and be our next door neighbor.” *Tenant*

D. *The Concentration Reality and the De-concentration Imperative*

1. How “De-concentration” Became the Reigning Current Housing Policy

No mandate in current federal policy for public housing rings more emphatically than the call for “de-concentration:” the dispersal of clusters of poor public housing tenants. There is little dispute that “concentration” is not only a demographic truth about public housing but a result of calculated political engineering. Historians of public housing concur that, from the beginning of the public housing program, policies of racial containment steered African Americans to particular complexes, and situated segregated public housing complexes in already segregated urban neighborhoods.⁸² In Chicago as elsewhere, New Deal public housing policy focused on improving housing for northward-migrating African Americans without disturbing existing racial neighborhood patterns, a concession reinforced by the Public Works Administration’s adoption of the “neighborhood composition rule.”⁸³ No locale was forced to accept public housing, and it was a prize that few suburban enclaves wanted—so it was cities that created public housing authorities, and cities that absorbed greater concentrations of poor and minority tenants into areas already concentrated for class and race.⁸⁴ Local urban housing authorities were susceptible to political pressures against locating public housing units in white, middle class neighborhoods, and to commercial pressures against competition for richer tenants. These influences forced decisions to squeeze more units into more expensive, more densely populated city space.⁸⁵

Management of Public Housing: Hearing Before the Subcomm. on Housing and Community Development of the House Comm. On Banking, Finance, and Urban Affairs, 99th Cong. 22 (1986) (hereafter “1986 Hearing”) (statement of Lena Jackson, President, Lakeview Terrace Management Corp., Cleveland, OH).

82. For overviews of the federal role in increasing the isolation of minorities in inner cities and the racial segregation of the suburbs, see KENNETH T. JACKSON, *CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES 195-203* (1985) (describing the influence of the federal Home Owners’ Loan Corp. in encouraging the use of race and class-based criteria for lending). For critiques of the federal role in racial steering in public housing, see ARNOLD R. HIRSCH, *MAKING THE SECOND GHETTO: RACE AND HOUSING IN CHICAGO, 1940-1960*, at 10 (1983); Arnold R. Hirsch, “Containment” on the Home Front: *Race and Federal Housing Policy from the New Deal to the Cold War*, 26 J. URB. HIST. 158 (2000).

83. HIRSCH, *MAKING THE SECOND GHETTO*, *supra* note 82, at 14.

84. For a comprehensive review of the history of federal public housing construction, site selection, and racial discrimination, see Jon C. Dubin, *From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color*, 77 MINN. L. REV. 739, 753 n.66, 754 n.67 (1993).

85. See JACKSON, *supra* note 82, at 222-27; BUILDING THE AMERICAN CITY, *supra* note 74, at 110.

The question is not whether there is concentration of minority and poor people in public housing so much as whether that concentration itself has caused the evils associated with "outcast ghettos." "De-concentration" can be implemented in two ways; each has different purposes and histories, and arises from different premises about the impacts of clusters of poor people of color on neighborhoods. The first, and older strategy, resulting from the *Gautreaux*⁸⁶ litigation initiated in the 1960's against HUD and the Chicago Housing Authority, promoted "de-concentration" as a remedy for a civil rights violation: the collusion of local and federal government in the segregation of African Americans in substandard public housing.⁸⁷ The *Gautreaux* project, and its progeny, the Moving to Opportunity Demonstration,⁸⁸ operate by moving small numbers of public housing tenants out, one by one, to neighborhoods more fully integrated by race and class. While the "mobility" strategy does assume a dearth of opportunity, and perhaps of community, in the projects from which it helps tenants re-locate, it also acknowledges a truth—that the same forces of discrimination that created "outcast ghettos" also placed resources for education and employment beyond their residents' reach, and, with assistance, public housing residents are capable of taking advantage of those resources.

Compared to the incremental, long-term course of the family-based mobility strategies, "de-concentration" as a feature of present-day housing policy has a short history with broad impact. As that history has been re-constructed, it began with Congress's creation in 1989 of the National Commission on Distressed Public Housing, with the charge "to develop a national action plan to eliminate by the year 2000 unfit living conditions in public housing projects determined by the Commission to be the most severely distressed."⁸⁹ In its report, issued in 1992, the Commission recommended that Congress dedicate a ten-year appropriation to the "capital improvement and related needs" of the 86,000 units that the Commission had evaluated as

86. For the consent decree that set the parameters of the *Gautreaux* demonstration, see *Gautreaux v. Landrieu*, 523 F. Supp. 665, 672-82 (N.D. Ill. 1981).

87. For summaries of the import of *Gautreaux* and of the implementation of its consent decree, see Florence Wagman Roisman & Hilary Botein, *Housing Mobility and Life Opportunities*, 27 CLEARINGHOUSE REV. 335 (1993); Leonard S. Rubinowitz, *Metropolitan Public Housing Desegregation Remedies: Chicago's Privatization Program*, 12 N. ILL. U. L. REV. 589, 619-24 (1992) (describing the implementation of the *Gautreaux* demonstration).

88. See John Goering, *The Moving to Opportunity Social 'Experiment': Early Stages of Implementation and Research Plans*, 1 POVERTY RES. NEWS 2 (1997), available at <http://www.jcpr.org/spring97/article2.html> (describing the five city Moving to Opportunity ("MTO") Demonstration, which monitors the effect of intense re-location support for public housing residents moving to integrated neighborhoods on their success in employment and new schools).

89. Department of Housing and Urban Development Reform Act of 1989, Pub. L. No. 101-235, § 501(3), 103 Stat. 1987, 2049 (1989).

“severely distressed.”⁹⁰ The Commission cited the presence of one or more of the following as indicators of “distress:” “families living in distress; rates of serious crimes in the development or the surrounding neighborhood; barriers to managing the environment; physical deterioration of buildings.”⁹¹ Recognizing some baseline imperatives of what it costs for a public housing authority to run low rent housing, the Commission also suggested changes designed as much to raise more money from rents as to effect sociological experiments with the composition of the tenant body: to allow housing authorities to jettison the preference system; to admit a higher percentage of higher income families if rents were still to be calculated based on income; and, in some cases, to attract working families by setting flat maximum rents that would not increase with increases in earned income.⁹²

By 1999, that background had been re-written. HUD has pointed to the National Commission’s Report as the direct ancestor of the HOPE VI program, stating that the core recommendation of the Report was that severely distressed units be “eradicated.”⁹³ There was no such recommendation, the only reference to “eradication” being mentioned in the prefatory cover letters to Congressional committee chairs.⁹⁴ Despite this claim for intellectual cover, the definition in QHWR of “severely distressed”—“a definition that justifies the demolition of public housing stock—expresses a very long journey from the Commission’s original four-part articulation. As quoted earlier, Congress expanded this definition in the QHWR considerably, to include “inappropriately high population density” among the “serious deficiencies in the original design” of public housing defined as “severely distressed,”⁹⁵ QHWR defines “families living in distress” as those who were “very low-income families with children, unemployed, and dependent on various forms of public assistance.” It also adds as an indicator of distress any building that “. . . is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood. . . .”⁹⁶ The many indicators, old and new, are conjunctive: a

90. THE FINAL REPORT, *supra* note 46, at 18.

91. *Id.* at B-2, app. B.

92. *Id.* at 25, 69-70.

93. Department of Housing and Urban Development, *HOPE VI Program Authority and Funding History*, in HOPE VI GUIDANCE 1 (Aug. 2000), available at http://www.hud.gov/pih/programs/ph/hope6/history_8-8-00.pdf.

94. THE FINAL REPORT, *supra* note 46, Transmittal Letter (Aug. 10, 1992) (summarizing (erroneously) the message of the Report: “to eradicate severely distressed public housing by the year 2000”).

95. QHWR § 535(a), 112 Stat. at 2518, 2584 (to be codified at 42 U.S.C. § 1437v(j)(2)(A)(i)).

96. *Id.* at § 535(a), 112 Stat. at 2585 (to be codified at 42 U.S.C. §§ 1437v(j)(2)(A)(iii)(I), 1437v(j)(2)(A)(ii)).

building must fulfill all of them in order to qualify for funds for demolition or renovation.⁹⁷

The emphaticness with which QHWRA treats "concentration" leaves little doubt as to the prevailing political wisdom on its contribution to urban decay. The "Findings" of the QHWRA list "the concentration of very poor people in very poor neighborhoods" first among the problems by which public housing is "plagued;"⁹⁸ "facilitating mixed income communities and decreasing concentrations of poverty in public housing" follows close behind among the "Purposes."⁹⁹ The Act affirmatively forbids public housing authorities to "concentrate very low-income families . . . in public housing dwelling units in certain public housing projects. . . ."¹⁰⁰ QHWRA takes what were in part the Commission's recommendations to allow flexibility in management and cost containment, and makes of them the technical instrumentalities to dismantle guarantees inserted in the U.S. Housing Act in the 1980's that public housing would serve the poorest of the poor: it lowers from 75 to 40 the minimum percentage of residents who must have incomes at or below 30% of the area median;¹⁰¹ and it repeals the federal preferences mentioned above, allowing public housing authorities latitude to choose working families and adopt "local preferences," based on assessments of housing needs.¹⁰² Public housing authorities must incorporate in their "public housing agency plan," an innovation of the QHWRA, the steps they will institute in their admissions policies to assist in the "de-concentration of low income families."¹⁰³ Other statutory changes collaterally assist the drive towards de-concentration. They reverse guarantees on the supply side, parts of the statute added to hold the line

97. See, e.g., Notice of Funding Availability for the HOPE VI Program, 65 Fed. Reg. 9599, 9603 (2000) (including among indicators of "severe distress" necessary to qualify for HOPE VI the elements catalogued in § 535(a) of the QHWRA, *supra* notes 95-96).

98. QHWRA § 502(a)(3), 112 Stat. at 2520.

99. *Id.* at § 502(b)(3), 112 Stat. at 2521.

100. *Id.* at § 513(a), 112 Stat. at 2544 (to be codified at 42 U.S.C. § 1437n(a)(3)(A)).

101. *Id.* at § 513(a), 112 Stat. at 2544 (to be codified at 42 U.S.C. § 1437n(a)(2)(A)). See also Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs, 65 Fed. Reg. 16,692, 16,695 (2000) (to be codified at 24 C.F.R. § 960.202(b)) (explaining HUD's Final Rule on "targeting").

102. QHWRA § 514(a)(1), 112 Stat. at 2547 (to be codified at 42 U.S.C. § 1437d(c)(4)(A)). See also § 519(a), 112 Stat. at 2555 (to be codified at 42 U.S.C. § 1437g(e)(2)(B)) (requiring HUD to calculate into its formula for distributing operating funds to housing authorities an incentive to increase rental income from working tenants); Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs, 65 Fed. Reg. at 16,726 (to be codified at 24 C.F.R. § 960.206).

103. QHWRA at § 511(a), 112 Stat. at 2532-33. See also Public Housing Agency Plans, 64 Fed. Reg. 56,844, 56,863 (1999) (to be codified at 24 C.F.R. § 903.7(c)(2)) (requiring public housing authorities to include in their public housing agency plans an admissions plan incorporating deconcentration as an objective); Rule to Deconcentrate Poverty and Promote Integration in Public Housing, Final Rule, 65 Fed. Reg. 81,213, 81,215 (Dec. 22, 2000).

on, though not increase, the number of federally subsidized housing spaces for very low income people. The Act permanently eliminates the “one-for one replacement rule,” introduced in 1981 and suspended in 1995.¹⁰⁴

In contrast with the “mobility” strategy contemplated by *Gautreaux* and its spin-offs, the current strategy for “de-concentration” consists of simultaneously moving large numbers of public housing tenants out and either higher-earning eligible tenants, or market rate tenants in. This is the version of “de-concentration” that most of the U.S. Housing Act was repealed in order to accommodate. Where mobility strategies are gradualist, it is precipitous. It also aims to assist a different constituency: not solely, or even primarily, the residents who are being displaced, but a more ambiguously defined community of stakeholders, those whose revulsion at the deterioration they see or imagine may have prompted them to “disinvest” in the neighborhood.

2. *The “Second De-concentration” and Social Uplift: The “Truly Disadvantaged” and the Power of an Idea*

Intellectual history is always risky, but several factors may have influenced the change from, first, a preference for amelioration of public housing to eradication of it; and next, from broad characterization of the problem as one involving physical deterioration, crime and family distress, and unnamed “barriers” to management, to one far more specifically involving families receiving welfare, some causal connection between public housing and neighborhood-wide decline, and high density of residents as an element of faulty design. I have discussed a few possible influences: media portrayal of public housing as all high-rise and all decaying, despite data to the contrary; the belief that physical design inevitably marked public housing complexes for obsolescence; and the more quietly spoken conviction that the reservation of housing for the most desperately in need had brought in a less desirable tenant population.

Some analysts of the evolution of public housing policy have commented that a confluence of factors has produced the imperative for “de-concentration” of the residents of public housing: a newly defined problem (as stated by the theory that concentrations of poor people, or of poverty, are responsible for the ills of the inner city) plus a solution available and already activated for other purposes (the shift from construction of public housing units to issuance of

104. See QHWR § 531(a), 112 Stat. at 2573 (to be codified at 42 U.S.C. § 1437p(d)) (allowing construction of new public housing units on the same site or in the same neighborhood after demolition only if the number of replacement units is “significantly fewer than the number of units demolished”); § 519, 112 Stat. at 2556 (forbidding use of capital or operating funds for construction that would increase the net number of public housing units, except when the construction is part of a “mixed-finance” project and would cost less than providing assistance through tenant-based subsidy); Rule to Deconcentrate Poverty and Promote Integration in Public Housing, Final Rule, 65 Fed. Reg. 81,213, 81,215 (Dec. 22, 2000).

housing certificates or vouchers as a way to meet demand for very low rent housing), plus the political needs of the Department of Housing and Urban Development to "re-invent" itself and dodge the strafing from a newly elected Republican Congress hostile to its mission in general and to the concept of public housing in particular.¹⁰⁵ Other influences included the advent of "welfare reform" in 1996,¹⁰⁶ which renewed focus on the minority of residents of public housing who receive public welfare,¹⁰⁷ and shifted priorities within HUD's programs for tenants training from community organization to individual self sufficiency, a development I will discuss more fully below. Other elements derive from popular conceptions, hard to prove or disprove, on the deleterious effect of public or subsidized housing complexes on property values and the economies of surrounding neighborhoods.¹⁰⁸

One influence on the drive to deconcentrate can be traced with an unusual clarity. In his studies of concentrated poverty in Chicago, William Wilson has theorized that the departure from the inner city of jobs and, thus, of working people who can serve as role models, has reinforced the economic and geographic isolation of already marginalized poor neighborhoods. This isolation fosters the perpetuation of "ghetto-related behaviors and attitudes," which in turn contribute to a fatal loss of productive community.¹⁰⁹ While other researchers contend that the persistence of discrimination in housing and employment, not the absence of middle class exemplars, isolates poor and

105. John M. Hartung & Jeffrey R. Henig, *Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor: Evidence from the Washington, D.C., Metropolitan Area*, 32 URB. AFF. REV. 403, 405 (1997).

106. See Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (1996).

107. Burke, *supra* note 69, at 40 (noting that 18% of public housing residents nationally receive a majority of their income from welfare, including federal Temporary Assistance to Needy Families ("TANF") or state-sponsored General Assistance; and that 24% of all public housing residents receive a majority of their income from employment).

108. See Chang-Moo Lee, Dennis P. Culhane & Susan M. Wachter, *The Differential Impacts of Federally Assisted Housing Programs on Nearby Property Values: A Philadelphia Case Study*, 10 HOUSING POL'Y DEBATE 75, 89 (1999) (finding that both public housing complexes and private complexes that rent to Section 8 certificate holders have "modest to slight negative impacts on property values"); Sandra J. Newman & Ann B. Schnare, ". . . And a Suitable Living Environment": *The Failure of Housing Programs to Deliver on Neighborhood Quality*, 8 HOUSING POL'Y DEBATE 703, 726-27 (1997) (finding that, since public housing is located "disproportionately" in neighborhoods of low employment and deteriorating housing stock, it hurts the life chances of those who live there—but is not responsible for processes of neighborhood decline that in most cases had begun before the housing was built and constituted a reason for the choice of site in the first place).

109. See WILLIAM J. WILSON, *WHEN WORK DISAPPEARS* 51-52 (1996) (explaining how loss in the inner cities of connection to the world of conventional paid work promotes adoption of behaviors maladaptive to functioning anywhere else); WILLIAM J. WILSON, *THE TRULY DISADVANTAGED* 57-60 (1987).

minority residents in undesirable localities,¹¹⁰ Wilson's thesis has been influential at HUD. At least one HUD-commissioned study of public housing communities explicitly cites Wilson's work in *The Truly Disadvantaged* in support of the proposition that isolation from mainstream norms and breakdown of interior institutions both cause and manifest an all-entrapping, self-reinforcing "culture of poverty."¹¹¹ Other commentators have attributed former HUD Secretary Henry Cisneros's enthusiastic embarkation upon the policy of de-concentration to the influence of William Wilson and Douglas Massey.¹¹²

The corollary of Wilson's thesis—that the dysfunctionality of the "outcast ghetto" arises partly from the absence of role models—is that conditions of ghettos will improve if role models are introduced. One example of the thesis made flesh is the completion in 1991 of Lake Parc Place in Chicago, a renovation of two of six towers of public housing stock owned by the Chicago Housing Authority (CHA), which had vacated seven hundred families from the deteriorating site in 1985.¹¹³ Funded in part as a demonstration under the "MINCS" (Mixed Income New Communities Strategy) program which Vincent Lane, head of the CHA, lobbied into the Cranston-Gonzalez Affordable Housing Act of 1990,¹¹⁴ Lake Parc represented Lane's espousal of the hypothesis that the severe isolation of ghetto residents deprived them of the opportunity for "collective socialization" through exposure to role models.¹¹⁵

110. See Douglas S. Massey, Andrew B. Gross & Kumiko Shibuya, *Migration, Segregation, and the Geographic Concentration of Poverty*, 59 AM. SOC. REV. 425, 442-43 (1994) (finding that concentrated poverty results from segregated housing markets, with "nonpoor" African Americans facing restricted housing choices that make them more likely to migrate to poor neighborhoods than to "nonpoor" ones); Scott J. South & Kyle D. Crowder, *Leaving the 'Hood: Residential Mobility Between Black, White and Integrated Neighborhoods*, 63 AM. SOC. REV. 17, 25 (1998) (finding that African Americans are "substantially" more likely than whites to leave racially mixed tracts for racially segregated ones, thus maintaining high levels of residential segregation by race).

111. ARTHUR J. NAPARSTEK ET AL., COMMUNITY BUILDING IN PUBLIC HOUSING: TIES THAT BIND PEOPLE AND THEIR COMMUNITIES 23 (United States Department of Housing and Urban Development 1997).

112. Peter Dreier & David Moberg, *Moving from the 'Hood: The Mixed Success of Integrating Suburbia*, Vol. 7 No. 24 THE AMER. PROSPECT (1996), at <http://www.prospect.org/archives/24/24drei.html>.

113. Michael H. Schill, *Chicago's Mixed-Income New Communities Strategy: The Future Face of Public Housing?*, in AFFORDABLE HOUSING AND URBAN REDEVELOPMENT IN THE UNITED STATES 135, 142-45 (Willem van Vliet ed., 1997).

114. See Cranston-Gonzalez National Affordable Housing Act, Pub. L. No. 101-625, § 522, 104 Stat. 4079, 4207 (1990), *repealed by* at QHWA § 582(a)(10), 112 Stat. at 2518, 2644.

115. For the opinion that the MINCS project, as implemented through Lake Parc Place, represented a direct importation of Wilson's THE TRULY DISADVANTAGED into housing policy, see Schill, *supra* note 113, at 148-49; James E. Rosenbaum, Linda K. Stroh, & Cathy A. Flynn,

The MINCS legislation allowed the Housing Authority to fill half of 282 apartments with "low income families" earning between 50% and 80% of median income, and the rest with "very low income families" earning below 50%, a departure from the usual income targeting requirement that 75% of residents of public housing earn below 50% of median.¹¹⁶ The goal was explicitly to put Wilson's theses to the test: to monitor whether interaction between wage-earning tenants attracted from outside public housing, with average income of \$22,000, and the returning former residents of this and other public housing complexes, with average income of \$5000, would inspire the latter to economic self-sufficiency and compliance with house rules.¹¹⁷ The incentives to attract the higher income residents included significant spending on security and amenities not normally approved for public housing, such as landscaping and closet doors,¹¹⁸ and a cap on rents at \$371 for the first five years of tenancy, as long as the tenant's household income remained below 80% of area median.¹¹⁹

The lessons learned from this experiment in social engineering may not be the ones sought. Researchers from Northwestern University surveyed (by interview and questionnaire) two groups of residents after they had lived at Lake Parc Place for a year. The first group consisted of twenty female heads of household of whom half were lower income former residents of public housing;¹²⁰ the second, of 198 families, of which slightly under half were former residents of this or other public housing.¹²¹ What made the results ambiguous was the difficulty of asking what everyone really wanted to know: do you talk to/watch the children eat meals with tenants who are richer/poorer than you are, and if so, what effect has this had on you? The discomfort and flat-out insulted reactions of the poorer tenants to questions about their perception of their wage-earning neighbors as role models deterred interviewers from asking the same questions of the larger sample. Actual proof of any "role model effect" was hard to come by: the much smaller sample of residents who responded to a follow-up survey two years later reported decreases in employment.¹²² A different summary of the same study reports significantly more negative responses: the less poor interviewees regarded their

Lake Parc Place: A Study of Mixed-Income Housing, 9 HOUSING POL'Y DEBATE 703, 714 (1998).

116. See Rosenbaum, Stroh & Flynn, *supra* note 115, at 705-06; Cranston-Gonzalez National Affordable Housing Act § 522(f)(2), *repealed by* QHWA § 582(a)(10) (allowed public housing agencies in the MINCS demonstration to fill up to half of their units with low income families).

117. Rosenbaum, Stroh & Flynn, *supra* note 115, at 714-15.

118. *Id.* at 715-16.

119. *Id.* at 705.

120. *Id.* at 720; Schill, *supra* note 113, at 151.

121. Rosenbaum, Stroh & Flynn, *supra* note 115, at 719.

122. *Id.* at 732-33 n.3.

poorer neighbors as messy and loud, and stated that they had either no time or inclination to socialize with them.¹²³

One critic of the Lake Parc project, and of Rosenbaum's, Stroh's and Flynn's overview of it, finds the real lessons of the experiment to be unsurprising: that spending the kind of money for security, amenities and physical plant long withheld from conventional public housing properties will produce greater satisfaction on the part of residents, greater desire to maintain the properties in good condition, and generally better environments. The hoped-for lessons—that it takes wage-earning tenants to show their un- or under-employed neighbors how to act in rental housing and how to enter the job market—are unsupportable by the research designs, and may be ultimately unascertainable.¹²⁴

IV. AN ALTERNATIVE VISION: ORGANIZATION FOR TENANT MANAGEMENT

The Federal government has provided systematic recognition of, and support to tenants in, their capacity for self-governance in one particular context: that of property management. As the result of a campaign born of strange alliances, the Housing and Community Development Act of 1987 instituted resident management as a routine, formalized feature of public housing.¹²⁵ But resident management emerged in the 1970's as a spontaneous, indigenous movement of residents outraged at the incompetence of their housing authorities; it expanded as a foundation-funded social experiment; and it flowered as a conservative strategy for the empowerment of individuals. Supporters of the concept came to it from all points on the political spectrum. It is useful to trace the resident management movement from its inception to the present as the one program which has drawn and continues to draw federal support for tenant capacity-building. Particularly telling is how resident management has served changing concepts of the purpose of public housing—as a way station, as shelter of last resort, as training arena for life skills, and as laboratory for citizenship.

One historian of the public housing residence management movement has divided advocates for resident management into three camps, labeled by the company they kept: "conservative," those who saw resident management's value solely as a training ground for homeownership and eventual freedom from dependency on government subsidy; "liberal," those who saw inherent good in resident management as an outgrowth of other CD endeavors, as a

123. Schill, *supra* note 113, at 151.

124. Lawrence J. Vale, *Comment on James E. Rosenbaum, Linda K. Stroh, and Cathy A. Flynn's "Lake Parc Place: A Study of Mixed-Income Housing,"* 9 HOUSING POL'Y DEBATE 749, 749-52 (1998).

125. See Housing and Community Development Act of 1987, Pub. L. No. 100-242, § 122, 101 Stat. 1839 (1987).

collaboration which would make government more accountable, and as a strategy to improve residents' quality of life; and "progressive," those who saw resident management as neither a goal or means of empowerment, but one of any possible outgrowths of distinct processes of community organizing and strengthening.¹²⁶ While strains of each justification for resident management echo throughout the entire history of such endeavors, four distinct periods of financial support for resident management emerge, each marked by the priorities and ideologies of the funders: the foundation-backed limited demonstration initiatives of the 1970's; the homeownership—focused projects funded by the National Center for Neighborhood Enterprise through the 1980's; the assumption by HUD, through the Housing and Community Development Act of 1987, of responsibility for a wide-scale program of technical assistance to residents in the late 1980's through the early 1990's; and the more diffuse technical assistance initiatives funded through the Tenant Opportunities Program (TOP) and Resident Opportunities Self-Sufficiency Program (ROSS) from the mid-1990's to the present.

A. *An End or a Means: Early Experiments in Resident Management*

A synergy of emerging strong tenant leadership and collective indignation over neglect by local public housing authorities of daily and structural maintenance produced the first attempts at resident management. In 1971, the Bromley-Heath Tenant Management Corporation signed its first management contract with the Boston Housing Authority. Expanding to control three developments by 1973, the Corporation had grown from a base of grass-roots organizing in the 1960's, when residents had built a tenant organization dedicated to providing social services, health care, and security.¹²⁷ After a protracted rent strike and exhaustive negotiations with housing authority officials, from 1973 to 1975 tenant leaders in St. Louis assumed partial management responsibilities in five projects, with training sponsored by the Ford Foundation.¹²⁸ Following closely on the St. Louis example, from 1976 to 1979 the Ford Foundation and the Department of Housing and Urban

126. William Peterman, *The Meanings of Resident Empowerment: Why Just About Everybody Thinks It's a Good Idea and What It Has to Do with Resident Management*, 7 HOUSING POL'Y DEBATE 473, 478-80 (1996).

127. *Id.* at 474; ARTHUR J. NAPARSTEK ET AL., U.S. DEP'T OF HOUSING AND URB. DEV., COMMUNITY BUILDING IN PUBLIC HOUSING: TIES THAT BIND PEOPLE AND THEIR COMMUNITIES 45-46 (1997).

128. MARY A. QUEELEY ET AL., NATIONAL TENANT MANAGEMENT DEMONSTRATION: THE FIRST THREE YEARS 11-12 (1981) [hereinafter NTMD 1981]; *Tenant Management of Public Housing: Hearing Before the Subcomm. on Housing and Community Development of the House Comm. on Banking, Finance and Urban Affairs*, 99th Cong. 12 (1986) [hereinafter 1986 Hearing] (statement of Bertha Gilkey, President, Cochran Tenant Management Corp., St. Louis, Missouri).

Development co-sponsored the National Tenant Management Demonstration Program, funding and monitoring seven new management sites in six cities.¹²⁹

The National Tenant Management Demonstration embarked on a gamble: could outside funders, trainers and program designers generate the same conditions for resident control that had arisen out of the spontaneous activism of indigenous tenants' leaders? Progress was slow in the first year. Although the initial elected directors of the tenant management corporations tended to be long-term, stable residents dedicated to restoring their properties to the orderliness they recalled from an earlier time, most of them struggled with their responsibilities. Most averaged an education level through 11th grade, and functioned as single heads of household. Initial turnover among the elected directors was high.¹³⁰ The difficulty experienced by housing authority staff in adapting to changing roles, and residents' unfamiliarity with group process forced trainers to scale back their expectations from training in property management to training in basic board functions such as how to conduct a meeting.¹³¹ Ultimately, after extensive training, tenants performed as well as their housing authorities had in executing key functions such as rent collections, filling vacancies, and responding to maintenance requests, and outperformed their housing authorities in other measures.¹³² But the expense was considerable—training of residents and technical assistance ran up management costs from 13-62% over those incurred by housing authority management alone.¹³³

The most important findings from the demonstration may have been the most difficult to measure: what levels of tenant involvement and leadership correlated with (if not caused) the tangible measures of success? Some connections emerged: for at least the duration of the study, the resident management corporations most successful at executing "key functions" were those with the strongest tenants' associations and leaders, where "strongest" is defined by extensive organization of and participation from the tenant body; and with the strongest links to local leaders outside the housing authority.¹³⁴ Other measures of success fell short of concrete standards such as reliability of rent collections, but had meaning for residents nonetheless. Despite some burn-out, by the end of the demonstration tenant managers and their employee staff reported pride in their acquisition of not only the technical skills of

129. Peterman, *supra* note 126, at 475; MANPOWER DEMONSTRATION RESEARCH CORPORATION (MDRC), THE FIRST ANNUAL REPORT ON THE NATIONAL TENANT MANAGEMENT DEMONSTRATION 13-14 (1977) [hereinafter FIRST ANNUAL REPORT 1977].

130. NTMD 1981, *supra* note 128, at 67.

131. FIRST ANNUAL REPORT 1977, *supra* note 129, at 30.

132. NTMD 1981, *supra* note 128, at 183-85.

133. Peterman, *supra* note 126, at 475.

134. Daniel J. Monti, *The Organizational Strengths and Weaknesses of Resident-Managed Public Housing Sites in the United States*, 11 J. URB. AFF. 39, 40 (1989).

property management, but of the "soft" skills of listening, negotiating and meeting people's needs, and in their ability to make a difference in their neighbors' lives: a sense of "...altruism and public spirit."¹³⁵ However significant the demonstration may have been for nurturing community cohesion and real improvement in living conditions, housing authorities saw no value in continuing this level of investment on their own: of the seven demonstration sites, only one survived past the expiration of the foundation funding.¹³⁶

In 1978, a year into the Demonstration project, enthusiasm during the Carter administration for tenant management generated a task force and a report, with recommendations for adoption of national regulatory standards for tenant participation in functioning of housing authorities.¹³⁷ What was striking about the Task Force's recommendations was that, despite the title, they emphasized first above all the importance of developing broad-based democratic participation by tenants in their own governance and in the governance of public housing. The report set out elaborate procedures for formation and recognition of tenants' associations, and for triennial elections with third-party monitors.¹³⁸ The organizational process was to culminate in a formal contract between the newly constituted and recognized tenants' association and their housing authorities, in which the parties would agree on the substance of at least twenty-four management items, including lease provisions, tenant selection, eviction policy, rent ceilings, and demolition or rehabilitation.¹³⁹ While these agreements were necessary preparations for tenant management, they could exist apart from it—this report conceived of community organization in a tenant body as an end in and of itself.

The Task Force report and the short-lived National Demonstration experiment illustrated well the conflicting perspectives about the value of intense participation of tenants in the management of their dwellings. Unlike their predecessors in Boston and St. Louis, the projects of the demonstration program were all generated from the top down, by program staff of Ford and HUD who saw the goal of tenant management as stabilization of the tenant body and cooperation with the housing authority, rather than as empowerment. As products of policy rather than of tenant initiative and hard-won collaboration with the local housing authorities, these programs lacked the internal strength and external support to survive the expiration of the

135. NTMD 1981, *supra* note 128, at 97-8.

136. Peterman, *supra* note 126, at 475.

137. *Final Report of the Task Force on Tenant Participation in the Management of Low-Income Housing* (Nov. 1978), in *Tenant Management of Public Housing: Hearing Before the Subcomm. on Housing and Community Development of the House Comm. on Banking, Finance and Urban Affairs*, 99th Cong. 123, 133 (1986).

138. *Id.* at 134.

139. *Id.* at 135-36.

foundation's funding.¹⁴⁰ In contrast, the Task Force emphasized an incremental, bottom-up approach to resident management, in which—following William Peterman's "liberal" typology—strengthening of tenants' capacity to organize became the most important factor. While the details of the Task Force's recommendations concerning tenant elections re-surfaced some fifteen years later in the form of the re-vamped Tenant Opportunities Program, arguably this was all that survived of them. That tenants could ever become full partners in management decisions *short* of actually assuming liability for management themselves was lost from the calculation.

B. Technical Assistance and Training for Management: The Advent of A National Program

Sharply curtailed budgets for every aspect of public housing—construction, renovation and both simple and capital maintenance—in the early 1980's exacerbated deterioration of physical plants and neglect of basic services, re-creating (and in some instances reinforcing) conditions that had prompted the tenant-takeovers of the early 1970's.¹⁴¹ Beginning in 1985, Robert Woodson's National Center for Neighborhood Enterprise (NCNE) received funding from the Amoco Foundation to administer a three year technical assistance and property management training program for residents in twelve resident management corporations, some of which had operated continuously since the early 1970's, some of which the new project sought to revive from the National Tenant Management Demonstration.¹⁴² Woodson, and to an even greater degree some of the resident leaders whom he sponsored, viewed resident management as an expression of self-determination and moral uplift. Federal support of resident management would do more than deliver a good return on scarce federal housing dollars in the form of improved rent collections and better services; it would counter the practice of channeling all federal program dollars towards problem populations, thereby implicitly "punishing responsible behavior."¹⁴³ In a later writing in which he excoriated affirmative action and public housing and social welfare programs as benefitting respectively only the black middle class and the "social service

140. Monti, *supra* note 134, at 50.

141. See W. Dennis Keating & Janet Smith, *Past Federal Policy for Urban Neighborhoods*, in REVITALIZING URBAN NEIGHBORHOODS 50, 54-55 (W. Dennis Keating et al. eds., 1996).

142. DAVID CAPRARA & BILL ALEXANDER, EMPOWERING RESIDENTS OF PUBLIC HOUSING: A RESOURCE GUIDE FOR RESIDENT MANAGEMENT 14 (National Center for Neighborhood Enterprise ed., 1989); ICF INC., U.S. DEP'T OF HOUSING AND URB. DEV., EVALUATION OF RESIDENT MANAGEMENT IN PUBLIC HOUSING 1-3 (1992) [hereinafter ICF 1992].

143. 1986 *Hearing*, *supra* note 128, at 28-29 (statement of Robert L. Woodson, President, National Center for Neighborhood Enterprise, Washington, D.C.).

industry,"¹⁴⁴ Woodson extolled resident management in public housing as a force for channeling neighborhood talent into local production of local assets that would remain in and enrich poor communities.¹⁴⁵ Kimi Gray, a NCNE grantee, and chair of the only wholly resident-managed public housing complex in the District of Columbia, envisioned resident management as nothing less than the vehicle for re-engineering community through reconstruction of character:

Once we educate our people, reprogram their different habits, take away their dependency, make them independent, restore pride, then we change our communities.¹⁴⁶

Evaluators of the NCNE grantees found that some did a better, and cheaper, job of delivering on routine maintenance and administrative services than their housing authority counterparts, particularly in cities with troubled public housing authorities.¹⁴⁷ As was true of their predecessors (and for some, their younger selves) ten years earlier, tenant leaders saw the empowerment of participants as a more important product of management than the tangible deliverables.¹⁴⁸ In contrast to public housing authority personnel, those residents who were involved in management at any level saw their role as one of strengthening their complexes into permanent communities within which they all could stay and prosper, rather than of holding the line on conditions long enough to enable residents to move up and out.¹⁴⁹

But there were some caveats. Even if tenant leaders acknowledged empowerment of residents as an important by-product, or even goal, of tenant management, it was not always clear that tenant management provided a vehicle for democratization or even broad community participation. Several of the enduring resident management corporations were dominated by visionary founding leaders, who moved the organizations forward but had scant regard for broadening tenant involvement in governance. The much eulogized, and recently eulogized, late Kimi Gray exemplified the strengths and weaknesses of this model.¹⁵⁰ Her management style in the mid 1980's generated

144. Robert L. Woodson, *Race and Economic Opportunity*, 42 VAND. L. REV. 1017, 1019, 1025-26 (1989).

145. *Id.* at 1037.

146. 1986 *Hearing*, *supra* note 128, at 39 (statement of Kimi Gray, Chairperson, Kenilworth-Parkside Resident Management Corp., Washington, D.C.).

147. ICF 1992, *supra* note 142, at 9-8.

148. *Id.* at 9-7.

149. *Id.* at 9-2.

150. See Mary Wachter, *Kimi Gray, the Miracle Worker, and Christmas in April*, in *TAKING BACK OUR NEIGHBORHOODS: BUILDING COMMUNITIES THAT WORK* 51, 52-53 (1996) (describing Kimi Gray as "an authentic miracle worker" who organized her tenants to register to vote, petition the mayor to turn over management of the complex, and take classes in home repair and household budgeting; and who fined and evicted them for infractions of house rules); See

controversy and dissension among her constituents, particularly with her single-minded determination to evict lower-income residents in favor of those who were more economically secure, in preparation for conversion of the units to ownership.¹⁵¹ If “success” meant the capability not only to deliver on the day to day demands of routine maintenance, rent collections, and enforcement of house rules, but to promote new initiatives and address systemic problems, then resident management corporations with strong boards of directors and consistent interactions with the tenants carried the day—more so than did those with the isolated, strong leaders and more quiescent boards.¹⁵² Generally, all tenant organizations had trouble in sustaining the involvement of residents over the long term. Attrition of energy, plus the monopolization of authority and administration by a few, raised serious issues of succession, with low turnout at elections and little demonstration by tenants of interest in challenging the established leadership.¹⁵³

Of the twelve residents’ groups which Woodson’s project supported, only three remain on HUD’s current list of “full-service” resident management corporations—out of a total, across the nation, of twelve.¹⁵⁴ Given this survival rate (on which more, later), the most lasting of the NCNE’s accomplishments may have been its convocation of grantees to lobby in 1986 for H.R.4026, a federally funded program of technical assistance to assist in the formation development of new “resident management entities” and in the support of existing ones.¹⁵⁵ The successor to H.R.4026, Section 122 of the Housing and Community Development Act of 1987, added Section 20, “Public Housing Resident Management,” to the United States Housing Act. The new section mandated a process for creating a resident management entity, in which the elected resident council would be responsible for approving or rejecting the creation of a nonprofit resident management corporation,¹⁵⁶ and allowed the

also Louie Estrada, *Public Housing Advocate Kimi Gray Dies: Northeast Woman a Leader in Converting Projects to Resident Ownership*, WASH. POST, Mar. 4, 2000, at B7.

151. Monti, *supra* note 134, at 45.

152. *Id.*

153. ICF 1992, *supra* note 142, at 9-3, 9-4.

154. Department of Housing and Urban Development, Office of Public and Assisted Housing, Public Housing Properties Under Management by Resident Management Corporations (n.d.) (Apr. 26, 2000) (received by author). The list does not cover “dually managed” public housing projects, in which public housing authorities and residents split responsibilities, and erroneously excludes the venerable Bromley-Heath Tenant Management Corporation, which the Boston Housing Authority removed from and restored to full management responsibilities. See e-mail from Mary Lou Crane, Department of Housing and Urban Development, Secretary’s Representative for New England (May 3, 2000) (on file with author).

155. See 1986 *Hearing*, *supra* note 128, at 6 (H.R. 4026); and statements of officers of resident management corporations and Robert Woodson in support of H.R. 4026, at 12-42.

156. Housing and Community Development Act of 1987, Pub. L. No. 100-242, § 122, 101 Stat. 1839 (1987) (codified as amended at 42 U.S.C. § 1437r(a)).

allocation of up to \$100,000 in funds per public housing complex for technical assistance to establish resident management entities and for training.¹⁵⁷

The primary questions which this newly institutionalized national program had to answer were no different from those posed by the experiments of the 1970's and 1980's: is community-building in public housing best conceptualized as culminating in the management of public housing properties; is there measurable value in community organization as a goal unto itself; and can "community" be generated by external infusions of cash and technical assistance? Over three hundred resident organizations received technical assistance funds under the Resident Management Technical Assistance Grant program as an immediate result of the Housing and Community Development Act.¹⁵⁸ A study required by the Act¹⁵⁹ and conducted in 1992 of eighty recipients, all of them new organizations, showed that most of the recipients channeled their funding towards training of residents in organization-building. This included learning about the mechanics of formerly structuring themselves as organizations through incorporation and the drafting of by-laws, and about how to conduct elections and meetings.¹⁶⁰ As resident leaders had mentioned in studies of previous efforts at training tenants to assume management roles, many participants in "emerging resident management corporations" considered this training in organization-building to be intrinsically valuable, apart from its worth as a means to building competence in management.¹⁶¹

C. From Building the Collective to Uplifting the Individual: Changes in Direction of the Technical Assistance Program

As the technical assistance program created in the late 1980's continued, it was confronted with the question of whether community organization should take precedent over other priorities in the scramble for federal funds. Three uneasily reconcilable demands buffeted the program during the mid-1990's: for financial integrity and signs of tangible accomplishment from the residents; for signs of tangible accomplishment from HUD, as the agency fought for its life under Congressional fire; and for performance to fulfill the goals of welfare reform. These demands hastened a movement in the program that had already begun: away from training residents to serve the entire tenant body through resident management, and towards support for individual efforts at economic betterment.

157. *Id.* at § 122, 101 Stat. at 1842 (codified as amended at 42 U.S.C. § 1437r(f)).

158. Gregg G. Van Ryzin, *The Impact of Resident Management on Residents' Satisfaction with Public Housing*, 20 EVAL. REV. 485, 486 (1996).

159. See Housing and Community Development Act § 122, 101 Stat. at 1842.

160. ICF INC., REPORT ON EMERGING RESIDENT MANAGEMENT CORPORATIONS IN PUBLIC HOUSING 3-11, 3-12 (1993) [hereinafter ICF 1993].

161. *Id.* at 4-4.

Despite the award of 986 grants of about \$80 million in total to public housing tenants organizations under the 1987 Act between 1988 and 1998, since its congressionally-mandated study of 1993 HUD has commissioned no evaluations of the accomplishments of resident organizations.¹⁶² It is necessary to re-construct the history of the program through administrative notices and other sources. In 1994 HUD re-named and restructured the resident management assistance program as the "Tenant Opportunity Program" (TOP), with emphasis on insuring the organizational integrity of tenant bodies through formally monitored elections, the institution of fixed three year terms and recall provisions for officers, the adoption of by-laws, and delineation of the relationship between resident management corporations and their parent resident councils.¹⁶³ This re-emphasis on the core activity of organization-building addressed baseline problems concerning "internal conflicts between competing resident councils" and the need among residents and resistant housing authorities for clear guidance on election and training procedures to insure the participation of representative, responsive tenant organizations.¹⁶⁴ HUD would continue for the next few years to use proof of incorporation, by-laws, application for recognition of federal tax exempt status, and democratic, fair elections of residents' council representatives as benchmarks of achievement, stressing their importance in administrative notices and including them as items to be checked on work plans and on formal semi-annual reports.¹⁶⁵

HUD extolled the value of TOP-sponsored training in organizational development as enabling residents to "...move toward responsible roles in

162. For the 1988-1998 figures on the "TOP" program, see U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, Fact Sheet: Tenant Opportunities Program (TOP) (July 1998). HUD changed the name of the technical assistance program it administered under the Housing and Community Development Act of 1987, codified at 42 U.S.C. § 1437f(r), "Resident Management Technical Assistance and Training," from the "Resident Management Program," to the "Tenant Opportunities Program" in 1994, as part of a major re-drafting of the program's regulations. 59 Fed. Reg. 43,622, 43,628 (Aug. 24, 1994). Section 34 of the QHWRRA, which replaces 42 U.S.C. § 1437r(f), does require HUD to report by 2001 on the performance of tenant organizations under the grant program. QHWRRA § 538(b), 112 Stat. 2461, 2594 (1998).

163. Department of Housing and Urban Development, 59 Fed. Reg. 43,622, 43,636 (1994) (to be codified at 24 C.F.R. pt. 964).

164. Department of Housing and Urban Development, 59 Fed. Reg. at 43,622.

165. See, e.g., Department of Housing and Urban Development, Public and Indian Housing, Notice, PIH 96-5 (Feb. 13, 1996) [hereinafter PIH Notice] (clarifying procedures set forth for elections to residents' councils in 24 C.F.R. pt. 964); PIH Notice 96-29 (May 16, 1996) (citing organizational development as an example of allowable subjects for training to be completed within the first three to six months of award of the technical assistance grant); Department of Housing and Urban Development, Public and Indian Housing, Tenant Opportunities: Semi-Annual Report, Form HUD-52370, at 2 (May 1996) (noting adoption of bylaws, incorporation, and training in "leadership and organization capacity" as elements of "Progress Summary").

their communities. . . ."¹⁶⁶ But in its re-structuring of the program the agency also made it clear that its goals for TOP extended beyond the preparation of leadership for community strengthening:

- (1) (To) Prepare residents to experience the dignity of meaningful work, to own and operate resident businesses, and to move toward financial independence; (2) enable them to choose where they want to live; and (3) assure meaningful participation in the management of their housing developments.¹⁶⁷

HUD also stated its intent to advocate amendment of the technical assistance portion of the U.S. Housing Act to allow for funding resident initiatives apart from resident management.¹⁶⁸

The dual emphasis on capacity building for the sake of the individual, and on capacity building for the sake of the community, underscored a basic worry: could training in fiscal accountability, program management, and board development remedy the lack of experience which public housing residents may have had in these areas? HUD needed to be concerned about residents' capabilities to bid for and run multi-thousand dollar programs for the sake not only of pure program integrity, but of challenges to HUD's own credibility. As noted earlier, HUD faced congressional pressures for its elimination; in 1994 the agency authored its "Reinvention Blueprint" to pre-empt externally imposed crippling budget cuts.¹⁶⁹ The agency echoed the "reinvention" theme at every opportunity, highlighting how its re-design in 1994 of the resident management technical assistance program "reinvented resident management."¹⁷⁰ Anxiety over what residents were doing with federal funds, and what Congress thought about it, was warranted: in 1996 Congress threatened to defund TOP for weaknesses in financial controls.¹⁷¹ Whether this warning was justified by conditions in the field, or motivated by political considerations, HUD's administrative notices to the field between 1995 and 1997 did indicate concerns about the accountability of inexperienced grantees. Most residents councils were dependent on consultants to assist in grant-writing and program design, and needed guidance in the proper competitive

166. PIH Notice, 96-29, 2 (1996).

167. Department of Housing and Urban Development, Final Rule, 59 Fed. Reg. 43,622 (1994).

168. *Id.*

169. Hartung & Henig, *supra* note 105 and accompanying text. Jennifer J. Curhan, *The HUD Reinvention: A Critical Analysis*, 5 B.U. PUB. INT. L.J. 239 (1996).

170. Department of Housing and Urban Development, Notice of Funding Availability for FY 1996 for the Public and Indian Housing Tenant Opportunities Program Technical Assistance, 61 Fed. Reg. 35,021, 35,022 (1996).

171. H.R. Rep. No. 104-812 (1996) (stating that "The Conferees are concerned about reports of wasteful spending practices and allegedly fraudulent activities within the program, practices which put the program at risk of elimination altogether").

process and the merits in choosing those consultants.¹⁷² HUD also communicated concern about whether the grantees were spending training money appropriately, and were choosing training appropriate to the goals of the program.¹⁷³ Citing a “lack of focus on performance objectives” and “failure to target TOP grants toward the basic self-sufficiency needs of residents,” in 1997 HUD reported that it put 64 grantees in default for failure to comply with the terms of the program.¹⁷⁴

Responding to passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, in 1997 HUD restructured the TOP again, with channeling funds towards “welfare to work” as the explicit goal. The prospect that a significant minority of the public housing population could lose income through the imposition of time limits on welfare set a priority for action, an urgency that elevated the strain in the program that delivered social services to individuals over that which built capacity for the collective.¹⁷⁵ Reflecting that preoccupation, the grant notice required applicants to demonstrate that a minimum of 75% of the residents assisted by their programs were individuals “affected “by the welfare reform legislation.”¹⁷⁶ It also characterized the TOP as focused on individual enhancement, with projects “. . . aimed at furthering economic lift and independence” and technical assistance grants as targeted to benefit residents “. . . by obtaining skills that will make them more employable in the local community.”¹⁷⁷ It is noticeable that, of the six categories of activities eligible for funding, “resident capacity

172. PIH Notice, 95-20 (1995) (advising resident’s groups and public housing authorities on proper competitive bidding procedures to select consultants for a “full service approach,” in which applicants chosen to assist in writing proposals for TOP grants would remain to assist in implementation); PIH Notice, 96-67 (1996) (requiring establishment of written procurement procedures for materials and services).

173. PIH Notice, 96-18 (1996) (restricting residents’ organizations’ use of grant funds for travel, to insure that travel funds are used for relevant training); PIH Notice, 96-48 (1996) (requiring grantees to submit semi-annual performance reports, on new form).

174. Department of Housing and Urban Development, Combined Notices of Funding Availability for FY 1997 for the Public and Indian Housing Economic Development and Supportive Services Program and the Tenant Opportunities Program, 62 Fed. Reg. 31,272, 31,273 (1997) [hereinafter *NOFA FY 1997*].

175. *Id.* at 31272. 42 U.S.C. § 608 (a) (7) (A) (1998) (prohibiting states from using funds under the Temporary Assistance to Needy Families program to assist any family with an adult who has received assistance for sixty months, starting with the commencement of the state program funded under the statute). CONGRESSIONAL RESEARCH SERVICE, WELFARE REFORM: STATE PROGRAMS UNDER THE BLOCK GRANTS FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, at 5, Table 2 (1997) (listing major elements of the welfare plans that forty states, Guam and the District of Columbia had submitted to the Department of Health and Human Services as of Jan. 31, 1997. Of the plans, fourteen either limited assistance to a number of months within a sixty month period, or imposed a lifetime restriction of fewer than sixty months).

176. *NOFA FY 1997*, *supra* note 174, at 31,286.

177. *Id.* at 31283.

building" in areas such as community organizing and board development was fifth, following "homeownership opportunity," "resident management" and "resident management business development" for individual entrepreneurs in descending order, with first place accorded to "social support needs" such as child care, literacy, services for elderly and disabled residents, and training programs on substance abuse.¹⁷⁸ HUD also incorporated ongoing concerns about residents' capabilities to take on projects, for the first time requiring applicants already to have secured or to have applied for recognition of federal tax exempt status.¹⁷⁹ The notice of funding availability for the 1998 TOP program echoed the emphasis on moving "welfare dependent families" to work. For the first time, HUD explicitly directed organizational development grant funds to enable residents to engage not only in managing property, but in running welfare to work programs.¹⁸⁰ At the same time, HUD did authorize use of TOP funds for less targeted, more community-building activities, such as training board members of residents' organizations in community organizing.¹⁸¹

To the present, the pressure to move residents from welfare to work has dominated what began as a training program for public housing residents to exercise collective self-determination in managing their properties. In the 1998 QHWRA, Congress formalized what the agency had for all purposes already accomplished: it deleted section 20(f) of the United States Housing Act, that part of the 1987 Housing and Community Development Act that had authorized expenditures for training in resident management, and added a new section 34, "Services for Public Housing Residents."¹⁸² The new statutory section confined eligibility for funding to activities "...designed to promote the self-sufficiency of public housing residents or provide supportive services for such residents,..." Of the specifically enumerated eligible activities, resident management ranked fifth out of five, behind funding service coordinators, space for the delivery of supportive services, and the services themselves, which included services such as adult literacy, job search skills and child care ancillary to work readiness.¹⁸³

Consequently, HUD's 1999 round for funding technical assistance to public housing residents eliminated TOP, and substituted for it the Resident

178. *Id.* at 31284-85.

179. *Id.* at 31283.

180. Department of Housing and Urban Development, Consolidated Economic Development and Supportive Services and Tenant Opportunities Programs, Notice of Funding Availability, 63 Fed. Reg. 23907, 23908 (1998).

181. *Id.* at 23910.

182. QHWRA § 532, 112 Stat. at 2575. *Id.* at § 538, 112 Stat. at 2592.

183. *Id.* at § 538(a), 112 Stat. at 2592-93.

Opportunities and Self Sufficiency Program (ROSS).¹⁸⁴ ROSS funds an expansive range of activities. These include existing and new resident management initiatives and resident business development, and services one would normally associate with them, such as aid in negotiating management contracts and in drafting business plans.¹⁸⁵ Also as before, HUD has stretched the list of eligible projects to encompass programs to deliver social services such as employment counseling, youth programs, housekeeping and personal care for the elderly and disabled, and child care. What ROSS does not do explicitly is reserve funds for the “soft skills” of community organizing, board development or leadership training, although it does offer “capacity-building grants” to enable resident associations to participate in resident management, administer their grants, or “participate in Housing Agency decision making.”¹⁸⁶ As HUD has offered since 1998, the technical assistance program does fund residents to hire mediators actually to mediate disputes among residents, and to train residents in principles of mediation.¹⁸⁷

D. Training for Resident Organizations: Whose Measure of Success?

The absence of any collection of, or assessment of, performance data for most of the twelve year history of national technical assistance to public housing residents’ organizations cripples any attempt to evaluate the impact of the program. As is so often the case, we hear about the failures: about the program funds that pay for trips to Las Vegas and for big screen TVs, the irregularities that justified apprehensiveness about residents’ savvy in choosing consultants and using other people’s money.¹⁸⁸ We also know, as stated earlier, that in roughly only thirteen complexes do residents exercise full management control over their properties. If management is the measure, then a quarter century of private and public funding to groom tenants to take charge of their physical environments has been a failure.

184. Department of Housing and Urban Development, Notice of Funding Availability: Resident Opportunities and Self Sufficiency (ROSS) Program, 64 Fed. Reg. 43,530, 43,531 (1999) [hereinafter *FY 1999 ROSS NOFA*].

185. *Id.* at 43,532.

186. *Id.* at 43,535.

187. Department of Housing and Urban Development, Funding Availability for Public Housing Resident Opportunities and Self Sufficiency (ROSS) Program, 65 Fed. Reg. 9697, 9701 (2000) [hereinafter *FY 2000 ROSS NOFA*].

188. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF INSPECTOR, AUDIT REPORT: TENANT OPPORTUNITY PROGRAM GRANTEES, DISTRICT OF COLUMBIA HOUSING AUTHORITY 2-4 (2000) (concluding that, as a result of inadequate oversight and training by HUD and the D.C. Housing Authority, seven District of Columbia recipients of TOP grants spent about half of their funds on ineligible expenses, during the evaluation period of 1/1/98 through 9/30/99. These expenses included a cruise and a training trip to Las Vegas, and some large screen TVs. Recipients failed to reconcile their bank accounts or keep their checkbooks secure, and they let their consultants write checks).

What we can know only imperfectly is whether, by other measures, funding to resident organizations has ever been a success. Where goals mix and shift, as they have throughout these programs—between collective and individual empowerment, between building both concrete and intangible structures for staying in a stable community and for giving individuals the tools to move out—measurement is almost impossible. As I have described, the studies that reviewed the first decade and a half of experiments in resident management training frequently return over and over again to the “soft skills” in which trainees took great pride—the education in listening, in conducting effective meetings. Arguably the acquisition of these skills as an end in itself was the unintended byproduct of some residents’ lack of formal education in the most basic skills of management; trainers were forced to focus long and hard on what they initially thought would be quick first lessons in organization-building. As analysts of community-based organizations know, the creation of an organization whose chief product is the building of capacity for citizenship is not an achievement which funders easily can or will quantify, assess, and pay for.¹⁸⁹ In this respect, Congress and HUD were no different from any foundation or corporate grantor. Particularly once welfare revision made moving residents into jobs, any jobs, an imperative, the federal funder’s impatience with collective empowerment as a product manifested itself in the strengthening of emphasis in the TOP program on individual economic self-sufficiency.

But training in the “arts of democracy” is in fact a part of what funders of private community-based organizations are now orienting themselves to do, under the theory that “capacity-building” for stable, accountable institutions is a necessary prerequisite to more tangible accomplishment.¹⁹⁰ “Capacity,” much over-used and under-defined, has been described as consisting of the internal strength of an organization’s board, employees and members, that enables the organization to engage in the functions most significant for its ability to improve its community: running programs, collaborating with other institutions, advocating for residents in the political arena, and collecting

189. Herbert J. Rubin, *There Ain’t Going to be Any Bakeries if There is No Money to Afford Jellyrolls: The Organic Theory of Community Based Development*, 41 SOC. PROBS. 401, 405 (1994) (noting a history of conflict between community based organizations and their funders, whether from government or the private sector, over whether to place priority on measurable products such as housing, or on less tangible projects such as community empowerment).

190. Allan D. Wallis, *Toward a Paradigm of Community-Making*, 85 NAT’L CIVIC REV. 34, 35 (1996); Norman J. Glickman & Lisa J. Servon, *More Than Bricks and Sticks: Five Components of Community Development Corporation Capacity*, 9 HOUS. POL’Y DEBATE 497, 499-502 (1998) (summarizing recent developments in funding for “comprehensive community initiatives” and other community building projects that focus on developing the leadership capacity of community-based organizations).

resources for its own support.¹⁹¹ It is certainly not clear that successful resident management, with more measurable outcomes, is successful at promoting resident participation and democracy, and consequently at developing broad-based capacity. Not all residents want to become involved in the nitty gritty of property management; conversely, residents consumed with the details of property management may have no time, or inclination, for democratic process.¹⁹² Desirability of training residents in capacity building as a long term investment in community building, just as foundations now pay for it for neighborhood-based organizations, depends again on the perception of whether there is anyone worth training. If the “human capital” equivalent of “severely distressed” is “severely without capacity,” as Wilson’s theories and the mixed income ideology suggest, then there is no role for capacity-building for the current tenants of public housing.

V. COMMUNITY-BUILDING IN A DIASPORA: THE MIXED MESSAGES OF CURRENT PUBLIC HOUSING POLICY

The HOPE VI program, and the QHWRA that formalized many of its features into law,¹⁹³ achieve a contradiction: the enhancement of resident participation in planning for new communities “. . .when virtually no residents remain to participate.”¹⁹⁴ As noted earlier, the 1998 overhaul of the U.S. Housing Act makes law the theory that clusters of poor people, primarily unemployed single female heads of household with children, produce unhealthy neighborhoods. To dissipate these clusters, the Act removes elements of former public housing law that conserved low rent housing stock

191. Glickman & Servon, *supra* note 190, at 501-506.

192. Gregg. G. Van Ryzin, *The Impact of Resident Management on Residents’ Satisfaction with Public Housing*, 20 EVAL. REV. 485, 499 (1996) (in a study of resident satisfaction with resident management in public housing complexes, finding that residents placed little value on opportunities to be involved in decisions about the property); Rubin, *supra* note 189, at 403 (questioning whether development activities draw the administrators of community based organizations away from advocacy).

193. QHWRA § 535, 112 Stat. at 2581 (incorporating the pragmatic standards of HOPE VI into law). Jerry J. Salama, *The Redevelopment of Distressed Public Housing: Early Results from HOPE VI Projects in Atlanta, Chicago, and San Antonio*, 10 HOUS. POL’Y DEBATE 95, 97 (1999) (describing the goals of the QHWRA as “distilled” from HUD’s Notices of Funding Availability for the HOPE VI program in 1996-98). Eileen M. Greenbaum, *Quality Housing and Work Responsibility Act of 1998: Its Major Impact on the Development of Public Housing*, 8 J. AFFORDABLE HOUS. & COMM. DEV. L. 310, 310 (1999) (tracing line of descent from the National Commission’s Report through Pub. L. 102-389, the Urban Revitalization Demonstration, Department of Veterans Affairs and HUD and Independent Agencies Appropriations Act of 1993, and continued through successive HUD appropriations bills as HOPE VI). Peter W. Salsich, Jr., *Thinking Regionally About Affordable Housing and Neighborhood Development*, 28 STETSON L. REV. 577, 588-89 n.75, n.79 (1999).

194. Salama, *supra* note 193, at 131.

for very poor people. The HOPE VI program provides one vehicle for implementing the objective of de-concentration. "De-concentration" need not mean elimination: housing authorities' applications for HOPE VI funds are rated for the effectiveness of their de-concentration plans, and not for reduction in the numbers of public housing units. In theory, housing authorities may replace demolished units as long as they locate them in neighborhoods "...with low levels of poverty and/or concentrations of minorities."¹⁹⁵

But reduction in the numbers of public housing units affordable for residents of extremely low income in fact seems to be a hallmark of HOPE VI plans. In his study of HOPE VI projects in Chicago, Atlanta, and San Antonio, Jerry Salama found that of the 1001 units of public housing to be replaced in the Techwood/Clark-Howell Homes in Atlanta, 360 would be targeted to tenants eligible for public housing;¹⁹⁶ and in Cabrini-Green in Chicago, 139 units would remain for unemployed, very low income residents out of an original 1,324, in a neighborhood in which 7% of the residents received income from work.¹⁹⁷ Other HOPE VI projects present similar profiles.¹⁹⁸ While the high vacancy rates in some complexes means that few residents remain to be displaced,¹⁹⁹ the destruction of these units still results in a net loss of units affordable to very poor people. Although HUD allows a housing authority to dedicate up to fifteen percent of HOPE VI programs funds for a

195. Department of Housing and Urban Development, Funding Availability for the HOPE VI Program, 65 Fed. Reg. 9599, 9613 (Feb. 24, 2000) [hereinafter HOPE VI, FY 2000 NOFA].

196. Salama, *supra* note 193, at 106.

197. *Id.* at 108.

198. It is almost impossible to retrieve a representative sample from the 247 HOPE VI projects funded through 1999. *See supra* note 47. Wide variations are possible within the same region depending on local law, the particular local housing authorities' ability to garner high levels of public subsidy to bring down the costs of renovation or construction, or make development sufficiently attractive to the private sector so that market rate or "affordable" housing at the high end will subsidize the very low rent units. For example, a local one for one replacement rule will mandate the complete replacement of demolished public housing units in the Samuel Madden site in Alexandria, Virginia. Telephone conversation with Paul Fiscella, attorney for the Alexandria Residents' Council (Dec. 17, 1999). *See also* Housing Research Foundation, Samuel Madden Homes: HOPE VI Site Profile, *available at* www.housingresearch.org/hrf/hrf, visited June 30, 2000) (that the Alexandria, Virginia Redevelopment and Housing Authority will demolish and fully replace 100 public housing units, with an additional 14 units to be built for "affordable homeownership" and 152 unsubsidized homeownership units; *id.*, George B. Murphy Homes, Emerson Julian Gardens: HOPE VI Site Profile (demolition by Baltimore City Housing Authority of 793 units and replacement with 260, with "over half" providing affordable homeownership, and no detail on disposition of the other units).

199. *See, e.g.*, Housing Research Foundation, St. Thomas HOPE VI Site Profile, Update Jan. 4, 2000, *available at* www.housingresearch.org/hrf/hrf (stating that the Housing Authority of New Orleans planned with its 1996 HOPE VI grant to demolish 1310 of 1510 units of the St. Thomas development, and reserve 30% of the remaining two hundred units after their rehabilitation for families earning under 30% of median income; 51% of the complex was vacant).

mandatory “Community and Supportive Services Program,” one that must provide intensive services to relocated and remaining residents alike to enable them to achieve, among other goals, living wage jobs,²⁰⁰ no one has monitored whether these programs have enabled residents initially earning below 10% of median income to gain enough income to afford rents and mortgage payments targeted at residents earning up to 80%. One study that HUD commissioned depicts the newfound stability, cleanliness, and community spirit of the renovated HOPE VI communities—and also describes several former housing projects to which fewer than a third of the original residents have returned.²⁰¹ The five and ten year follow-ups that HUD promises of its assessment in 1996 of fifteen HOPE VI projects should give a more systematic picture of who moves back in, and under what circumstances.²⁰²

As Salama notes, the three developments demonstrate the market realities of de-concentration and public-private partnerships. One attraction of HOPE VI’s “mixed finance” possibilities is the ability it gives public housing authorities to diversify types of housing stock and, of course, incomes of the occupants; another is “leverage,” to enable a housing authority to augment public with private funds, so that the profits from market rate rental units could subsidize replacement of public housing units affordable to very low income renters.²⁰³ But at least in this sample, “cross-subsidization” only worked one way. Of the three projects studied, none commanded sufficient private resources to offset the considerable costs of keeping the rents in renovated

200. See HOPE VI, FY 2000 NOFA, *supra* note 195, at 9600 (allowing up to 15% of grant money to pay for community and supportive services); *id.* at 9604-5 (requiring housing authority to include information in its VI proposal about how it will track relocated residents in order to provide social services to them; listing eligible activities for Community and Supportive Services funds).

201. Arthur J. Naparstek, Susan R. Freis & G. Thomas Kingsley, prepared for the Department of Housing and Urban Development, *HOPE VI: Community Building Makes A Difference* at 17-20 (Feb. 2000) (describing the HOPE VI revitalization of the Windsor Terrace public housing complex in Columbus, Ohio). The Windsor Terrace HOPE VI project replaced 442 public housing units with 230. *Id.* at 19. While 6% of the former residents were “gainfully employed,” *id.* at 17, 160 of the household heads of families moving into the new 230 units had jobs, *id.* at 18. Of the new occupants, only 89 out of the original 359 residents occupying the complex before demolition had returned. The authors of this study commented that this return rate of under 25% repeats in other HOPE VI sites. *Id.* at 20.

202. HUD HOPE VI Baseline, *supra* note 61, at 1-1 (1996) (introduction to the Baseline Assessment Study); *id.* at Exhibit 6-3, “Impacts on Original Residents” at 6-6 (table indicating questions about participation in HOPE VI process, relocation, and return, to be researched as part of the five and ten year follow-up studies).

203. See 24 C.F.R. § 941.600 (2000) (authorizing public housing authorities “. . . to use a combination of private financing and public housing development funds to develop public housing units. . .” and along with development partners “. . . to structure transactions that make use of private and/or public sources of financing”).

apartments affordable to renters at 30% of median income.²⁰⁴ The only way that the San Antonio housing authority was able to replace with public housing units virtually all the 421 units it was tearing down in the Spring View Apartments was with its own grant money—a very large HOPE VI award for a relatively small number of units.²⁰⁵

In noting the possibilities which HOPE VI offers for partnerships between public housing authorities and developers, one commentator has enumerated the ability to transfer “valuable tracts of developable land” as among the assets that any housing authority has to contribute to any deal.²⁰⁶ For some residents who see (as with the Lake Parc example) the sudden outpouring of resources for benefits they never had, for the sake of new residents with incomes to which they can never aspire, the new public housing communities may seem like less of an opportunity for them than a land grab for developers.²⁰⁷ Indeed, a study of ten HOPE VI redevelopment plans suggests that gentrification is what makes HOPE VI possible, as housing authorities count on new real estate activity in surrounding areas to attract more up-scale clientele to market rate rentals.²⁰⁸ HUD’s own study forecast gloomy outcomes for HOPE VI projects in a few cities, due partly to the residents’ well-grounded skepticism about whether their housing authorities could or would make good on their commitments.²⁰⁹ Sometimes, residents have rejected the rhetoric of a better tomorrow and fought to keep what they know of an imperfect today.²¹⁰ In

204. Salama, *supra* note 193 at 119. It was possible, but not yet assured, at the time of writing that the strong housing market in Chicago might allow the Chicago Housing Authority to garner sufficient rents from the market rate units in its HOPE VI partnerships to subsidize the rents for public housing units. *Id.*

205. Salama, *supra* note 193 at 110-11 (of the 421 units in this complex, all to be demolished, 208 would be replaced as public housing units, and 105 as single family homes, with the housing authority developing 203 replacement public housing units off site.)

206. Paul K. Casey, Jane E. Sheehan & Jon M. Laria, *Public Housing, Private Development: The Lawyer’s Role*, 11 PROBATE & PROPERTY 56,60 (Sept./Oct.1997)

207. See Salama, *supra* note 193, at 97, 98 n.3 (citing “legitimate resident concerns about landgrabs” and quoting attorneys for residents of public housing complexes in Chicago); U.S. General Accounting Office, *HOPE VI: Progress and Problems in Revitalizing Distressed Public Housing* 16 (July 1998) (describing residents’ fears of displacement in favor of development interests in Atlanta, Chicago, and Boston).

208. Elvin K. Wyly & Daniel J. Hammell, *Islands of Decay in Seas of Renewal: Housing Policy and the Resurgence of Gentrification*, 10 HOUSING POL’Y DEBATE 711, 745 (1999)

209. HUD HOPE VI Baseline, *supra* note 61, at 7-1 (1996) (that housing authorities in San Francisco and Atlanta “have a history of not delivering on promises to public housing tenants” with resultant suspicion on the tenants’ part).

210. See Judy Rakowsky, *Cathedral Complex Tenants Seek Cutoff of Federal Funds*, BOSTON GLOBE, Aug. 7, 1999, at B4, col. 5 (residents of the Cathedral public housing complex in Boston’s South End oppose city’s HOPE VI application, due to plans to reserve only a third of the new development’s units for poor tenants); Telephone conversation with Jay Rose, attorney for Cathedral complex tenants, Greater Boston Legal Services, July 6, 2000 (once the Boston

other instances, residents have litigated and negotiated to preserve as much as possible of an opportunity to return in strength, re-knit as a community.²¹¹

What then is peculiar about current housing policy is that, despite its explicit goal of uprooting and re-shuffling very poor residents to achieve diverse economic populations,²¹² it not only retains vestiges of the old resident empowerment programs such as ROSS, but provides two vehicles for participation if not decision-making by, as noted above, residents who may not be there. The HOPE VI application process itself gives residents an opportunity to voice concerns about development. HUD mandates some degree of resident involvement in the application process for HOPE VI grants. For the year 2000 grant cycle the Department not only requires housing authorities to hold at least one training session for residents, and three public meetings for residents and other community members, on the mechanics of HOPE VI and on the details of the authority's proposed plan, but lays out the particulars of what the meetings should cover, including relocation, re-occupancy, and the extent of demolition.²¹³ In addition to the threshold requirements it sets for holding public meetings, HUD also rates applications for HOPE VI funding on the quality of outreach to residents and "the broader community."²¹⁴

Other mechanisms provide potential for residents to affect not merely the progress of a particular development, but the governance of their public housing authority. With some exceptions, the QHWRA requires governing

Housing Authority (BHA) rejected the Cathedral residents' suggestion to diversify neighborhood incomes by converting some units of the complex to units affordable for residents at 40-80% of median income rather than to straight market rate units, since the rapidly gentrifying neighborhood already was experiencing an infusion of high-income renters, the residents filed written protests with HUD, which denied the BHA's HOPE VI application).

211. See cases cited at note 66 for litigation by residents against the Chicago Housing Authority and HUD; and at note 67 for litigation by the established resident council of the Alexandria, Virginia public housing community to force the housing authority to recognize its bid to develop the property. Residents of the Mission Main complex in Boston negotiated the right to return of all five hundred households in occupancy before the beginning of demolition, with a rental mix of 300 of the 535 projected units to be affordable to residents below 30% of median income, 145 for residents at 35-65% of median, and 90 to be market rate. Telephone conversation with Jay Rose, attorney for Mission Main tenants, *supra* note 210.

212. See Department of Housing and Urban Development, Rule to Deconcentrate Poverty and Promote Integration in Public Housing Rule, 65 Fed. Reg. 81,213, 81,215 (Dec. 22, 2000) (explaining how Housing Authorities may skip over applicants on waiting lists to further a deconcentration policy).

213. HOPE VI, FY 2000 NOFA, *supra* note 195, at 9604 (requirements for public meetings for HOPE VI Revitalization applications); *id.* at 9608 (documentation required to show compliance with requirement of public meetings).

214. *Id.* at 9614 (awarding one point for communicating "regularly and significantly with affected residents and members of the surrounding community about your application. . ." and demonstrating that "affected residents" received "substantive opportunities to participate in the development of your HOPE VI plan").

boards of housing authorities to include in their membership at least one tenant "directly assisted by the public housing agency," whom, depending on the agency's five year plan, the tenants may elect.²¹⁵ In addition, a newer institution through which residents may exert influence on the direction of their public housing authority is the resident advisory board, an innovation instituted by the QHWRRA.²¹⁶ The resident advisory board exists to participate in the formulation of five year and annual public housing agency plans, another new requirement, plans which dictate the direction of the housing authority on all critical activities such as admissions and occupancy, assessment of how to meet housing needs, and plans for demolition or disposition of properties.²¹⁷ Housing authorities must document the participation of, or at least consultation with, resident advisory boards in the formulation of these plans before they can submit them to HUD.²¹⁸

As with so many policy directives, it is hard to know whether the dictates on paper translate into a difference in the field. No data is available on the compliance of housing authorities with the creation of resident advisory boards, let alone on the substantive contributions of the boards themselves. Though commentators have expressed optimism about the potential for residents to use their boards to build the goal of conservation of affordable housing into the five year plans, and the annual plans to review compliance with the overarching goal,²¹⁹ true participation will depend on whether residents receive adequate notice of public hearings on the plans in time to do

215. QHWRRA §505, 112 Stat. at 2523. Exceptions include public housing authorities in states which require members of governing bodies to be salaried and to serve full time; and authorities with fewer than three hundred units, if the resident advisory board receives and fails to respond to notice that residents may serve. *Id.* See also Department of Housing and Urban Development, Proposed Rule, 64 Fed. Reg. 33,644, 33,645 (June 23, 1999) (implementing Pub.L. 105-276, §505).

216. QHWRRA §511, 112 Stat. at 2534.

217. Department of Housing and Urban Development, Public Housing Agency Plans, Final Rule, 64 Fed. Reg. 56,844, 56,862 (to be codified at 24 C.F.R. § 903.5) (describing the information that a housing authority must include in its five year plan); *id.* at 56,863 (to be codified at 24 C.F.R. § 903.7) (describing the information that must be included in an annual plan); *id.* at 56,866 (to be codified at 24 C.F.R. § 903.13) (describing the role and composition of the Resident Advisory Board).

218. *Id.* at 56,866 (describing process of consultation with resident advisory board before submission of the annual plan); *id.* at 56,867 (to be codified at 24 C.F.R. § 905.21) (describing process of consultation with resident advisory board "or other resident organization" before submission of the five year plan).

219. See David B. Bryson & Daniel P. Lindsey, *The Annual Public Housing Authority Plan: A New Opportunity to Influence Local Public Housing and Section 8 Policy*, 33 CLEARINGHOUSE REV. 87, 103 (May-June 1999).

anything about them, and whether the resident advisory boards engage in meaningful consultation.²²⁰

As for resident participation in the HOPE VI process, a sample of HUD's ratings of the HOPE VI applications might indicate whether a proposal ever stood or fell on whether it could show attendance at informational meetings of thirty residents or three hundred—or whether those residents' opinions made a difference in the decisions made about development. HUD's study of fifteen of the first recipients of HOPE VI grants and of the residents in the affected public housing complexes revealed a range of involvement by residents in the planning, from “broad and active participation” to “‘next to nil.’”²²¹ HUD's informal program guidance to housing authorities sends a mixed message about the essentialness of the participation of public housing residents in the design of HOPE VI projects. While the Department calls upon local authorities to solicit the “advice counsel, recommendations and input of affected residents and the broader community,”²²² it also emphasizes that as the grantee, the authority has ultimate power to decide the disposition of funds, and that resident input is “integral” to planning and implementation, “without controlling it.”²²³

Finally, only the regulations for the resident advisory boards even attempt to answer the question of who will participate when it's up to the last person who's left to turn out the lights.

The regulations anticipate a range of possibilities for selection of members—from existing jurisdiction-wide or individual resident councils. As may be the case for complexes where tenant participation either never took hold, or where significant numbers of residents lose their homes so that the function of the resident councils is disrupted, from whatever remains of the resident constituency generally.²²⁴

VI. CONCLUSION: COUNTER-IMAGES: DEFENDERS OF COMMUNITY

A study performed at the Ida B. Wells and Robert Taylor Homes public housing complexes in Chicago knits up some of the themes—environmental

220. HUD's final rule requires the public housing authority only to provide a copy of the plan at its central office during business hours; to publish one 45 day notice of a public hearing, to be held at a place “convenient to the tenants;” and to conduct “generally reasonable outreach activities.” Department of Housing and Urban Development, Public Housing Agency Plans, Final Rule, 64 Fed. Reg. 56,844, 56,866 (to be codified at 24 C.F.R. § 903.17).

221. HUD HOPE VI Baseline, *supra* note 61, at 5-12 (1996)

222. Department of Housing and Urban Development, General Guidance on Resident and Community Involvement 1 (Oct. 1999), *available at* www.hud.gov/pih/programs/ph/hope6/genguiderescominv.pdf.

223. *Id.* at 2.

224. Department of Housing and Urban Development, Public Housing Agency Plans, Final Rule, 64 Fed. Reg. 56,844, 56,862 (to be codified at 24 C.F.R. § 903.13(b)).

determinism; characteristics, real and imagined of the community of public housing residents—that I have discussed, and also suggests some possibilities for different conceptualizations. Researchers enlisted the residents' councils of these two complexes to recruit three "resident observers" to study and record where residents congregated in the public spaces of these two very different physical plants: the Taylor Homes with its multiple sixteen story high rises; and the portion of the older Ida Wells apartments that consisted of low rise row houses. The women who were chosen had lived in either of the two developments for between nineteen and thirty-two years.²²⁵ Over the course of several days during June of 1994, these resident observers documented ninety six sets of observations of the four sides of any of several targeted buildings where people were congregating within fifty yards of any one side. The observers noted information for each site on number of adults and youth, number of trees, the activities, the distance of the people from the trees and from the building, and the distance of the trees from the building.²²⁶

Researchers culled patterns from these reports: that overall, three times as many people congregated near spaces with trees as near spaces without them;²²⁷ that more residents were attracted to the trees that were planted closer to the buildings; and that children and adults with children gravitated even more to "treed outdoor spaces" than did groups of adults alone.²²⁸ They extrapolated a good deal more: that by creating manageable zones to which people are attracted in large, unmanageable housing complexes with little private space, "treed spaces" provide some of the "defensible space,"—opportunities for surveillance and supervision of children, and for social interaction—that these physical spaces lack.²²⁹ Another study of the Robert Taylor Homes by the same researchers posits stronger social networks among the residents who live in "high nature areas."²³⁰

The researchers in the "tree" study concluded that there may be methods for providing more livable public housing complexes that are less drastic than demolishing them.²³¹ One could conclude a good deal more. The study's design implicitly acknowledged the presence of several resources in a population deemed to be without any: the influence of long term residents who

225. Rebekah Levine Coley, Frances E. Kuo & William L. Sullivan, *Where Does Community Grow? The Social Context Created by Nature in Urban Public Housing*, 29 ENV. & BEHAVIOR 468, 473-4 (1997).

226. *Id.* at 477-8.

227. *Id.* at 481.

228. *Id.* at 486.

229. *Id.* at 488-490.

230. Coley, Kuo & Sullivan, *supra* note 225, at 488-9 (citing F.E. Kuo, W.C. Sullivan, R.L. Coley & L. Brunson, *Fertile Ground For Community: Innercity Neighborhood Common Space* (1997) (manuscript).

231. *Id.* at 490.

can be trained and who have a stake in the community, and the ability of residents to make something of the few amenities that they are given. Without romanticizing the conditions present in some public housing, other researchers of the resident populations in the Chicago complexes slated for demolition also have stressed how residents create their own networks to compensate with mutual self help for the historic lack of resources: with rides to jobs, with baby-sitting, and with doubling-up and combining incomes.²³² This is not to say that better facilities and access to services would not be welcome. It is to say that the mere presence of decaying structures may not be a perfect indicator of the capacity of the people inside.

The benchmarks of “distress” that qualify a public housing project for demolition and renovation highlight deficiencies. They do not consider counter-benchmarks: the residents’ organizations that, with or without federal financial assistance, have cohered long enough to be effective organizers, service providers, and advocates against their own dispersal. Some, like the Mission Main Tenant Task Force in Boston, are strong enough to survive relocation and return. In place since the late 1980’s, the Task Force functions with a sixteen member board and paid staff, runs recreational and cultural programs and provides other social services—and with original and new board members retained enough cohesiveness to persist in tough negotiations with its housing authority and political figures to retain the best deal possible for its constituents through the HOPE VI reconfiguration.²³³ Others, like St. Thomas Resident Council in New Orleans, have received far less consideration. Despite a host of organizing and economic development initiatives, and the association’s record in building a consortium of providers across the city to supply meaningful social services to the residents,²³⁴ St. Thomas faces imminent demolition,²³⁵ with few truly affordable housing units planned in replacement.

There are doubtless countless other public housing residents’ organizations whose activities were considered insufficient proof of the community’s viability to warrant less desperate remedies, and which will be compromised or

232. Sudhir Alladi Venkatesh, *An Invisible Community: Inside Chicago’s Public Housing*, 8 AM. PROSPECT, (Sept.-Oct.1997), available at www.prospect.org/archives/34/34venkfs.html. Over twenty-five years ago Carol Stack documented how two poor African American families living in privately owned housing developed patterns of mutual reliance different from those expected from a stereotypical middle class life style. Carol Stack, *All Our Kin: Strategies for Survival in a Black Community* 1-10 (1974).

233. Phone conversation with Jay Rose, *supra* note 210; HUD HOPE VI Baseline, *supra* note 61, at 3-27.

234. See Young & Christos-Rodgers, *supra* note 65, at 104-110.

235. See Housing Research Foundation, St. Thomas HOPE VI Site Profile, *supra* note 199; E-mail correspondence from Prof. William Quigley, Loyola University Law School at New Orleans, July 7, 2000.

stopped by demolition and relocation. It is too soon to tell whether, as happened with their historical predecessors, their efforts will vanish without an imprint on memory.

Epilogue

Last summer PBS premiered a series, "Great Streets," a showcase for the history of the world's famous avenues. The inaugural episode featured Fifth Avenue in New York City. As any chronicle of this thoroughfare must, the program gave prominent place to Central Park. There was plenty of narrative about the genius of Olmsted's design and about the feats of engineering. Of the Park's pre-history, all that was said was that the Park was built on largely vacant land.²³⁶

How soon we forget.

236. Public Broadcasting Service, "Great Streets - Fifth Avenue with Brian Stokes Mitchell," shown July 5, 2000; *available at* www.pbs.org/pressroom/2000/summer/releases/greatstreets.htm.

